Washington, Wednesday, October 21, 1959

Title 3—THE PRESIDENT

Proclamation 3322 DEATH OF GENERAL MARSHALL By the President of the United States of America

To the People of the United States:

With sadness, I announce the death of General of the Army George Catlett Marshall, who died today at Walter Reed

A Proclamation

General Hospital in Washington, D.C.
As soldier and statesman, General Marshall devoted his entire life to selfless service to his Nation. To his resolution and strength of purpose, his steadfast courage and wise decision, this Nation, and indeed the Free World, are deeply indebted for survival at a time of great peril, for the safeguarding of freedom, and for the strengthening of peace.

In World War II, as Chief of Staff of the Army, his was the military responsibility to bring into being and commit to combat the largest Army force, ground and air, in our Nation's history. In a war of global dimensions, he was a principal architect of our military strategy and of the ultimate allied victory.

Called subsequently to serve as Secretary of State and as Secretary of Defense, he met new dangers and bore new responsibilities, increasing yet further our country's debt of gratitude to him. A fitting tribute to his greatness will endure in the memory of the noble plan which bears his name, by which the American people took a vital part in rebuilding and restoring to strength friendly countries torn and ravished by the war.

As a mark of respect for the memory of General Marshall, I hereby order that the flag of the United States shall be flown at half-staff upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until after his funeral shall have taken place. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and

other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixteenth day of October in the year of our Lord Nineteen hundred and fifty-nine, and of the Inde-pendence of the United States of America the one hundred and eightyfourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER, Secretary of State.

[F.R. Doc. 59-8954; Filed, Oct. 20, 1959; 2:05 p.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B-LOANS, PURCHASES AND OTHER OPERATIONS

PART 421—GRAINS AND RELATED COMMODITIES

Notice of Applicability of Provisions Contained in 1960 Agricultural Appropriation Act—Public Law 86-80 to Grain

The provision in the Department of Agriculture and Farm Credit Administration Appropriation Act for the fiscal year 1960 (P.L. 86-80) placing a limitation on the amount of price support which may be extended by Commodity Credit Corporation to any person reads as follows:

Providing further, (1) That no part of this authorization shall be used to formulate or carry out a price support program for 1960 under which a total amount of price support in excess of \$50,000 would be extended through loans, purchases, or purchase agreements made or made available by Commodity Credit Corporation to any

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

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person on the 1960 production of any agricultural commodity declared by the Secretary to be in surplus supply, unless (a) such person shall reduce his production of such commodity from that which such person produced the preceding year, in such percentage, not to exceed 20 percentum, as the Secretary may determine to be essential to bring production in line within a reasonable period of time with that necessary to provide an adequate supply to meet domestic and foreign demands, plus adequate reserves, or (b) such person shall agree to repay all amounts advanced in excess of \$50,000 for any agricultural commodity within 12 months from the date of the advance of such funds or at such later date as the Secretary may determine, (2) that the term 'person" shall mean an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State or any agency thereof, (3) that in the case of any loan to, or purchase from, a cocase of any loan to, or putchase noting a operative marketing organization, or with regard to price support on an agricultural commodity extended by purchases of a product of such commodity from, or by loans on the commodity from the price of the price such product to, persons other than the producers of such commodity, such limita-tion shall not apply to the amount of price support received by the cooperative marketing organization, or other persons, but the amount of price support made available to any person through such cooperative mar-keting organization or other persons shall be included in determining the amount of price support received by such person for purposes of such limitation, and (4) that the Secretary of Agriculture shall issue regulations pre-scribing such rules as he determines necessary to carry out this provision.

To implement the above provisions of the Act, Notice is hereby given of the following:

1. The grain commodities presently declared in surplus supply for the purpose of P.L. 86-80 and to which the provisions of the Act are applicable are: Wheat, barley and grain sorghums. (Ad-

ditional grain commodities may be added by amendment to this notice.) The term "commodity" hereinafter used in this notice shall be deemed to refer to each of the grain commodities specified in this paragraph.

2. Each producer shall be required to make a 20 percent reduction in the production of the commodity in 1960 below his 1959 production in order to be eligible for nonrecourse price support on the commodity in excess of \$50,000. The reduction in production shall be made on an acreage basis and the acreage represented by such reduction shall not be put into production of the commodity by any other person.

3. Price support in excess of \$50,000 on the commodity for which the producer has not made the required reduction of production shall be made only through recourse price support loan advances. Producers affected by this provision shall be extended rights of repayment for 12 months after the final price support availability date for the commodity.

4. All purchase agreements covering the commodity shall contain a provision whereby the value of deliveries calculated at the applicable support price settlement rate of the commodity covered thereby when added to the amount of any nonrecourse price support extended through loans for such commodity shall not exceed \$50,000 for any person who is ineligible for unlimited nonrecourse price support. Any such person not eligible for unlimited nonrecourse price support may obtain recourse price support on any quantity of the commodity not eligible for tender under purchase agreement if he otherwise meets eligibility requirements through the regular procedure established therefor.

5. In case a person receives price support advances in excess of \$50,000 and such person is ineligible for unlimited nonrecourse price support, the amount due on a recourse basis shall be the amount advanced in excess of \$50,000 plus interest and charges. Charges shall include storage and other applicable charges paid or payable by CCC with respect to the loan collateral relating to the recourse advance. In the event any person does not repay the recourse advance when due, CCC shall have the right to sell the collateral securing the recourse advance. Further, if it is determined by CCC the commodity can no longer be held because of danger of deterioration or other reasons and the commodity is not redeemed, CCC may dispose of the commodity prior to the end of such period in such manner as it deems best to protect the interests of CCC and the person. Upon sale of the collateral the net proceeds will be credited to such person's recourse indebtedness. Any amount by which the net proceeds exceeds the recourse indebtedness for any person shall be paid to such person. Any unliquidated balance due CCC shall be collected by appropriate means

6. These limitations applicable to the 1960 production of the commodity apply to the crop which would be eligible for price support under the price support program for 1960 for such commodity.

7. Persons are not permitted to enter into arrangements in the production of commodities on farms in 1960 for the purpose of circumventing these provisions of law.

8. Provisions implementing this notice will be included in regulations to be issued by the Department of Agriculture at a later date.

(Pub. Law 86-80)

Issued this 15th day of October 1959.

Walter C. Berger, Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-8864; Filed, Oct. 20, 1959; 8:51 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959, Supp. 2, Amdt. 4, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (24 F.R. 1633, 3151, 6315, 6232, 6314, 6642, 7092, 7239, and 7599), containing the specific requirements of the 1959-crop wheat price support program are hereby amended as follows:

Section 421.4047(b) is amended by increasing the following basic county support rates:

IDAHO

R	ate per	bushel
	rom—	To
Latah	\$1.73	\$1.74
MARYLAND		
Allegany	\$1.96	\$1.97
Allegany Anne Arundel	2.03	2.05
Baltimore	2.04	2.05
Calvert	2,01	2.03
Carroll	2.04	2.05
Cecil	2.04	2.05
Charles	2.01	2.03
Frederick	2.03	2.04
Garrett	1.90	1.96
Harford	2.04	2.05
Prince Georges	2.02	2.04
St. Marys		2.04
Washington	2.00	2.01
Michigan		02
Michigan Montcalm	e1 70	41 OA
	\$1.18	\$1. 80
NEW JERSEY		
Bergen	\$2.01	\$2.05
Burlington	2.02	2.05
Camden	2.05	2.07
Cape May	1.97	2.02
Cumberland	2.04	2.05
Essex		2.05
Hunterdon	1.99	2.03
Mercer	2.04	2.05
Middlesex		2.05
Monmouth		2.04
Morris		2.04
Ocean		
Passaic		2.03
Salem		2.05
Somerset		2.04
Sussex		2.04
Warren	1.99	2.02
New York	_	
Clinton		\$1.97
Columbia		2, 05
Delaware		2.01
Dutchess		2.03
DAMILES FFFFFFFFFFFFFFFFFFFFFFFFFFFFFFFFFFFF		,

New York—Continu	eđ.	
R	ite per l	bushel
County > 1	rom-	To—
ErieEssex	\$1.97 1.93	\$1.98 2.01
Franklin	1.87	1.95
Fulton	1.95	2.01
Greene	2.01 2.01	2.04 2.03
Lewis	1.97	1.98
Nassau	1.95.	2,01
Oneida	2.00	2.02
Orange Otsego	1.98 1.97	2.03 2.02
Putnam	1.99	2.03
Renssclaer	2.04-	2.06
RocklandSt. Lawrence	2.00 1.93	2.03 1.96
Saratoga	2. 03	2.05
Schoharie	2.04	2.05
SuffolkSullivan	1.93 1.95	1.99 1.98
Ulster	2.00	2.03
Warren	1.98	2.03
Washington	1.99 2.00	2.04 2.04
Westchester	2.00	2.01
NORTH DAKOTA	\$1 Q1	\$1.82
Oliver	φ1. 01	φ1. 0 <i>2</i>
PENNSYLVANIA	40.01	` ^0 00
AdamsAllegheny	\$2.01 1.90	\$2.03 1.92
Armstrong	1.92	1.94
Beaver	1.90	1.91
Berks	2.02 2.04	2.03 2.05
Buçks Butler	1.92	1.93
Cambria	1.90	1.94
Carbon	1.96	2.01 1.96
Centre	1.95 1.93	1.95
Cumberland	2.00	2.01
Dauphin	1.97	2.00
Franklin	1.91 2.00	1.94 2.01
Fulton	1.97	1.99
Greene	1.90	1.92
Huntingdon	1.95 1.91	1.97 1.94
Jefferson	1.92	1.94
Juniata	1.96	1.98
Lackawanna	$1.97 \\ 2.02$	1.99 2.03
Lehigh	2.00	2.03
Luzerne	1.98	1.99
Lycoming	1.96 1.96	1.97 1.98
Mifflin	1.97	2.01
Montgomery	2.04	2.05
Montour	1.96	1.98
Northampton Northumberland	2.00 1.96	2.03 1.98
Perry	1.96	2.00
Potter	1.91	1,94
SchuylkillSnyder	1.98 1.96	2.00 1.98
Somerset	1.91	1.95
Susquehanna	1.98	2.01
Union	1, 95 1, 89	1.98 1.90
Washington	1.90	1.91
Wayne	1.94	1.98 1.93
Westmoreland	$1.90 \\ 2.01$	2.03
Washington		,
WASHINGTON Clallam	\$1.64	\$1.73
Cowlitz	1.86	1.87
Grays Harbor	1.79	1.80
KingKitsap	1.88 1.75′	1.89 1.78
Mason	1.76	1.80
Pacific	1.76	1.80
Snohomish	1.85 1.86	$1.86 \\ 1.87$
Whatcom	1.81	1.83

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. ,714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 15th day of October 1959.

WALTER C. BERGER. Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-8863; Filed, Oct. 20, 1959; 8:51 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959, Supp. 2, Amdt. 2, Rye]

PĀRT 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Rye Loan and - Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (24 F.R. 2937, 4449 and 7092), containing the specific requirements of the 1959-crop rye price support program are hereby amended as follows:

Section 421.4387(b) is amended by increasing the following basic county support rates:

NORTH DAKOTA

,			bushel
County	F	rom-	To
Mercer		\$0.76	\$0.77
Oliver		.77	. 78
Washington	, ·		
Clallam		\$0.89	\$0.96
Grays Harbor		1.02	1.03
Island		1.07	1.09
King		1.10	1.11
Kitsap		. 99	1.01
Mason		1.00	1.03
Pacific		1.00	1.03
Snohomish		1.07	1.09
Whatcom		1.04	1.06
(Sec. 4, 62 Stat. 1070, as am	end	led; 15	U.S.C.

714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 15th day of October 1959.

WALTER C. BERGER, Executive Vice President. Commodity Credit Corporation.

[F.R. Doc. 59-8862; Filed, Oct. 20, 1959; 8:51 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959, Supp. 1, Amdt. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Flaxseed Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 24 F.R. 3036, and containing the specific requirements of the 1959-Crop Flaxseed Price Support Program are hereby amended as follows:

Section 421.4483(c) is amended by increasing the basic county support rate

for Oliver County, North Dakota, from \$2.26 per bushel to \$2.27 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421)

Issued this 15th day of October 1959.

WALTER C. BERGER, Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-8835; Filed, Oct. 20, 1959; 8:51 a.m.)

-AGRICULTURE

Chapter I-Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C-REGULATIONS AND STAND-ARDS UNDER THE FARM PRODUCTS INSPEC-TION- ACT

PART .70—GRADING AND INSPEC-TION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND **GRADES WITH RESPECT THERETO**

Charges

Pursuant to authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946 (60 Stat. 1087 as amended; 7 U.S.C. 1621 et seq.), the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR, Part 70 as amended), are hereby amended as follows:

In § 70.141(a) relating to charges for inspection performed on a resident inspection basis, the introductory paragraph and paragraph (a) (11) and (13) are changed to read, respectively:

(a) Charges. The charges for inspection of poultry and edible products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the inspection service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the inspection service was rendered. Bill will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

(11) The charge for each 8-hour day, for the services of any inspector, shall be at the rate of one-fifth of the applicable charge for each 40-hour work week, as provided in subparagraph (3) of this paragraph. Overtime and night differential charges (when applicable) shall be billed at the rates specified in subparagraphs (4) and (5) of this paragraph.

(13) A charge equal to the actual amounts reimbursed to the Agricultural Research Service by AMS, plus twentyfive (25) percent of such amounts to cover administrative overhead of AMS. when inspectors of the Meat Inspection Division, Agricultural Research Service, are assigned to the designated plant for inspection of canning or processing of poultry food products. The charges provided for in this subparagraph are in lieu of the charges specified in subparagraphs (3) through (9) and (11) of this paragraph.

(Sec. 205, 60 Stat. 1090, as amended; 7 U:S.C. 1624. Interprets or applies Sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

The amendments shall become effective November 1, 1959. The amendments provide for billing for inspection service under the regulations on the basis of actual costs of service rendered instead of on the basis of estimated costs. In order to be of maximum benefit to affected persons without disrupting current billing operations they should be made effective on November 1, 1959. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice of rule-making and other public rulemaking procedure on the amendments would be impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of October 1959.

> ROY W. LENNARTSON, Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 59-8846; Filed, Oct. 20, 1959; 8:48 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Extra Long Staple Cotton

Basis and purpose. The provisions of §§ 722.361 to 722.382 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) including amendments under Public Law 86-172 (73 Stat. 393, approved August 18, 1959) and Public Law 86-341 (73 Stat. 611, approved September 21, 1959). These provisions govern the establishment of State, county, and farm allotments for the 1960 crop of extra long staple cotton and the determination of

the acreage planted to extra long staple cotton on individual farms in 1960. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.361 to 722.382. Notice of proposed formulation of acreage allotment regulations for the 1960 crop of extra long staple cotton was published in the Federal Register on October 1, 1959 (24 F.R. 7900) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and establish farm allotments as early as possible prior to the holding of the extra long staple cotton referendum, it is essential that §§ 722.361 to 722.382 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.361 to 722.382 shall be effective upon filing this document with the Director, Office of the Federal Register.

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AUTHORITY: §§ 722.361 to 722.382 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 361, 362, 365-368, 373, 374, 388; 52 Stat. 38, 62-65, as amended, 68; secs. 343-344, 345-346, 347; 63 Stat. 670, as amended, 674, 675, as

amended; sec. 377; 70 Stat. 206, as amended; sec. 378, 72 Stat. 995; 7 U.S.C. 1301, 1343-1347, 1361, 1362, 1365-1368, 1373, 1374, 1377, 1378,

GENERAL

§ 722.361 Applicability.

The provisions of §§ 722.361 to 722.382 apply to the 1960 crop of extra long staple cotton.

§ 722.362 Definitions.

As used in §§ 722.361 to 722.382 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) General terms. (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore

or hereafter made.

(2) The terms "Secretary", "Deputy "State committee" Administrator", "county committee", "community committee", "State administrative officer", "county office manager", "operator", and "person" as defined in Part 718 of this chapter (24 F.R. 4223), as amended, shall apply to the regulations in §§ 722.361 to 722.382. In Puerto Rico, the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the State committee and the county committee.

(3) "Director" means the Director, or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to

section 363 of the act.

(5) "Extra long staple cotton" (herein referred to as "ELS cotton") means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347(a) of the act.

(6) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of ELS cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to ELS cotton and must have continued until the end of the planting season for the area.

(7) "County" means county or parish of a State. The North Area (ELS cotton producing areas in the northern part of Puerto Rico) and the South Area (ELS cotton producing areas in southern Puerto Rico) are considered as separate counties.

(8) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(b) Terms relating to farms. (1) The terms "cropland", "farm", and "farm serial number" as defined in Part 719 of this chapter (23 F.R. 6731), as amended, shall apply to the regulations in §§ 722.361 to 722.382.

(2) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(3) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(4) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(5) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(6) "Producer" means a person who. as owner or landlord (other than the landlord of a standing-rent tenant, fixedrent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1960 crop of ELS cotton produced thereon or of the proceeds thereof.

(7) "Farm allotment" means an ELS cotton acreage allotment established for a farm under §§ 722.361 to 722.382. Farm allotments are initially established on the basis of the data for farms as constituted at the time such allotments are established; where a farm is subsequently reconstituted for 1960, the farm allotment will be redetermined in accordance with the regulations pertaining to reconstitution of farms in Part 719 of this chapter (23 F.R. 6731), as amended.

(8) "Old ELS cotton farm" means a farm having an acreage planted to ELS cotton in any one or more of the years 1957, 1958, and 1959 and an ELS cotton allotment other than zero was established for the farm for the year ELS cotton was planted. Released allotments shall not be considered as acreage planted to ELS cotton for purposes of determining eligibility of the farm for allotment as an old ELS cotton farm.

(9) "New ELS cotton farm" means a farm on which ELS cotton is to be planted in 1960 but such farm is not eligible for an allotment as an old ELS cotton farm.

(10) "Small farm" means a farm for which an allotment, exclusive of allocations to the farm from State and county reserves, for 1960 is 15 acres or less.

(11) "Normal yield" means the average yield per harvested acre of ELS lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton.

(12) "Normal production" of any number of acres means the normal yield per acre of ELS lint cotton for the farm multiplied by such number of acres.
(13) "Actual production" of ELS cot-

ton on the farm means the total number of pounds of ELS lint cotton determined to have been produced on the farm in 1960.

(14) "Acreage planted to ELS cotton in the State and county" for use in establishing State and county allotments means:

(i) For 1954 and 1955. The measured acreages of ELS cotton as determined for purposes of the 1954 and 1955 ELS cotton marketing quota programs (as adjusted under section 344 (g) (3), (i), and (m) (2) of the act).

(ii) For 1956. The measured acreages of ELS cotton as determined for purposes of the 1956 ELS cotton marketing quota program (as adjusted under section 344 (g) (3), (i) and (m) (2) of the act; and including acreage history required under section 377 of the act and sections 106(a) and 112(2) of the Agricultural Act of 1956 (70 Stat. 191, 195; 7 U.S.C.

1824(a), 1836)). (iii) For 1957 and 1958. The sum of the farm allotments excluding any allotment released from the farm or reapportioned to the farm plus acreage history for released allotments which are reapportioned and planted to cotton.

(15) "Acreage planted to ELS cotton on the farm" for use in establishing farm allotments means the farm allotment for 1957, 1958, and 1959, including any allot-ment released from the farm and excluding any allotment reapportioned to the farm:

(16) "Acreage planted to ELS cotton on the farm in 1960", for purposes of determining compliance with the farm allotment, shall be the acreage seeded to ELS cotton on the farm in 1960, and the acreage devoted to the production of ELS cotton on the farm for 1960 but seeded prior to 1960, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under § 722.377 for disposing of excess ELS cotton acreage or (ii) is disposed of in accordance with § 722.377.

§ 722.363 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.361 to 722.382 shall be prepared under the direction of the Director and shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.364 Extent of calculations and rule of fractions.

Farm allotments shall be rounded to tenths of acres. Computations shall be carried to two decimal places beyond the required number of decimal places. rounding, digits of 50 or less beyond the

required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1".

For example: $6.7\overline{3}2 = 6.7$ 6.751 = 6.86.750-6.7 6.782 - 6.8

STATE AND COUNTY ALLOTMENTS

§ 722.365 Apportionment of national allotment among States.

(a) Statutory basis. The national allotment proclaimed for the 1960 crop of ELS cotton shall be apportioned among the States (including Puerto Rico) on. the basis of the average acreage planted to ELS cotton in each such State for the years 1954, 1955, 1956, 1957, and 1958, with adjustments in such acreages for failure to seed ELS cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to ELS cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to ELS cotton in a State shall be the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions.

(b) State allotment. The acreage allotted to a State pursuant to this section is referred to herein as the "State allotment". The State allotment for each State for the 1960 crop of ELS cotton is

as follows:

	State
State al	lotments
Arizona	_ 27, 326
California	_ 424
Florida	_ 554
Georgia	_ 132
GeorgiaNew Mexico	_ 12,478
Puerto Rico	_ 1,619
Texas	_ 22, 243

§ 722.366 Apportionment of State allotment among counties.

United States_____ 64,776

(a) State reserve. The State committee shall determine what portion of the State allotment is to be reserved for each of the following categories:

(1) Adjusting computed county allotments for trends in acreage.

(2) Adjusting computed county allotments for abnormal conditions affecting plantings.

(3) Establishing allotments for new ELS cotton farms.

(4) Adjusting farm allotments to correct inequities and to prevent hardships.

(5) Adjusting allotments determined for small farms. The State committee may, in its discretion, determine that no acreage shall be established for any one or more of the categories of the State reserve set forth in this paragraph. The total State reserve established for the several categories under this paragraph shall not exceed 10 percent of the State allotment.

(b) Computed county allotments. The State allotment for the 1960 crop of ELS cotton, less the State reserve established pursuant to paragraph (a) of this

section, shall be apportioned among the following counties designated pursuant to section 347(a) of the act: Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma counties, Arizona; Imperial and Riverside counties, California; Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia counties, Florida; Berrien, Cook, and Lanier counties, Georgia; Dona Ana, Eddy, Luna, Otero, and Sierra counties, New Mexico; North Area (ELS cotton producing areas in northern part of Puerto Rico) and South Area (ELS cotton producing areas in southern part of Puerto Rico), Puerto Rico (North Area and South Area shall be considered as counties); and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward counties, Texas. Such apportionment is made on the basis of the average acreage planted to ELS cotton in each such county in 1954, 1955, 1956, 1957, and 1958 (herein referred to as the "base years"), with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to ELS cotton in the county on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to ELS cotton in a county shall be the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county allotment".

(c) Use of State reserve. The State reserve, if any, established for each designated purpose under paragraph (a) of this section shall be used by the State committee for such purpose as provided in subparagraphs (1) to (5) of this paragraph.

(1) To adjust computed county allotments for trends in the acreage of ELS cotton. Any acreage allocated pursuant to paragraph (a) (1) of this section shall be used by the State committee to adjust the computed county allotments for trends in the acreage planted to ELS cotton in the counties during recent years (the period of years may include the year 1959 but shall not include any year prior to 1954). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) To adjust computed county allotments for counties adversely affected by abnormal conditions affecting plantings of ELS cotton. Any acreage allocated pursuant to paragraph (a)(2) of this section shall be used by the State committee to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to ELS cotton in the county in

each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) Abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to ELS cotton production or are increasing the acreage in ELS cotton after having been out of production or having been on a reduced level of ELS cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other defense activities; (iii) abnormal reduction in planted ELS cotton acreage because of an unusual movement of labor from farms in the county to defense industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under subdivision (i) of this subparagraph for abnormal weather conditions, the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) To make adjustments in allotments determined for small farms. Any acreage allocated pursuant to paragraph (a) (5) of this section shall be allocated by the State committee to counties to supplement that part of the county reserve established as provided in subparagraphs (1) and (2) of § 722.367(d) for adjusting indicated farm allotments for old ELS cotton farms established at 15 acres or less under paragraph (c) of § 722.367. Such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) To establish 1960 allotments for new ELS cotton farms. Any acreage allocated pursuant to paragraph (a) (3) of this section shall be allocated by the State committee to counties to establish allotments for new ELS cotton farms. Where the State committee determines that the needs for acreage to establish allotments for new ELS cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish allotments for new ELS cotton farms shall be provided from the State reserve or the county reserve, or from both such reserves. In determining the source of acreage, if any, for new ELS cotton farms, the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.367(d) (3). Where it is determined by the State committee that the entire county reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of

§ 722.367(d), the State committee may consider allocating acreage from the State reserve as provided in paragraph (a) of this section to supplement the acreage, if any, set aside by the county committee from the county reserve for establishing allotments for new ELS cotton farms. In determining the estimated acreage to be set aside for establishing allotments for new ELS cotton farms on the basis of the factors set forth in § 722.367(d)(3), the State committee shall take into consideration the experience of State and county committees in establishing allotments for new ELS cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new ELS cotton farms.

(5) To correct inequities in farm allotments and to prevent hardship. Any acreage allocated pursuant to paragraph (a) (4) of this section shall be allocated by the State committee to counties to correct inequities in farm allotments and to prevent hardship. Such reserve may also be used for establishing and adjusting farm allotments as provided in § 722.367(h).

(d) Availability of data for inspection. The following shall be on file and shall be available in the office of the State committee for examination by any interested ELS cotton producer: (1) The amount of the State reserve; (2) the formula, if any, and data developed and used under paragraph (c) (1) and (2) of this section; and (3) the total acreage set aside from the State reserve for the purposes set forth in paragraph (c) (3), (4), and (5) of this section.

(e) County allotment. The county allotment shall be the sum of (1) the computed county allotment determined under paragraph (b) of this section, and (2) the acreages from the State reserve which are added to the computed county allotment under paragraph (c) (1) and (2) of this section.

(f) Apportionment of excess released acreage to counties. The acreage surrendered to the State committee pursuant to § 722.368 shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(g) County allotment; allocations to counties from State reserve; remainder of the State reserve; and county reserve—(1) County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and remainder of the State reserve. This subparagraph will be amended at a later date to establish county allotments showing components thereof (computed county allotment, adjustments from State reserve for trends and abnormal conditions); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and the remainder of the State reserve which is available for allocation to counties for new farms, late and reconstituted farms and correction of errors.

(2) County reserve. This subparagraph will be amended at a later date to establish county reserves.

ESTABLISHMENT OF FARM ALLOTMENTS

§ 722.367 Apportionment of county al-Iotment among farms.

(a) Determination of method to be used in apportioning county allotment among farms. Public Law 86-172 (73 Stat. 393, approved August 18, 1959) amended section 344(f)(8) of the act to provide that if allotments were in effect in 1959, the method of apportioning county allotment among farms under section 344(f) (8) of the act shall be used for 1960. Since allotments were in effect in 1959, the method under section 344(f) (8) of the act shall be used in all counties and not the cropland method under section 344(f) (2) of the act or the historical method under section 344(f) (6) of the act.

(b) Determination of county reserve. The county committee shall establish a county reserve of not in excess of 15 percent of the sum of (1) the computed county allotment, and (2) the allotment allocated to the county pursuant to paragraph (c) (1) and (2) of § 722.366, which may be used to adjust indicated farm allotments for old ELS cotton farms determined under paragraph (c) of this section and to establish allotments for new ELS cotton farms under paragraph (d) (3) of this section. Such reserves shall be published in an amendment of

§ 722.366(g)(2).

(c) Indicated allotments for old ELS cotton farms in all counties designated in § 722.366(b). The county allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be apportioned among old ELS cotton farms in accordance with this paragraph. For purposes of this paragraph, 1959 farm allotment means the allotment established for the farm without regard to release of allotment for 1959 only and to reapportionment under section 344 (m) (2) of the act. It is hereby determined that for 1960 it will not be necessary under section 344(f)(8) of the act to adjust 1959 farm allotments for any change in the acreage of cropland available for the production of ELS cotton. Indicated allotments for old ELS cotton farms shall be determined by multiplying the 1959 allotment for the farm by a county allotment factor determined by dividing the total of the 1959 allotments for all such farms (referred to in this paragraph as "allotment bases") into the county allotment less the acreage reserved pursuant to paragraph (b) of this section.

(d) Use of county reserve. The county reserve shall be used by the county committee as follows:

(1) Adjustments in indicated farm allotments of 15 acres or less. Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (c) of this section to be 15 acres or less. Such adjustments shall be made

so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to ELS cotton in 1957, 1958, and 1959; the land, labor, and equipment available for the production of ELS cotton; croprotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production.

(2) Adjustments in indicated allotments for other farms. The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3), and (4) of this paragraph shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm, the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of ELS cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to ELS cotton on the farm in 1957, 1958, or 1959, as reflecting such factors and use such acreage as the basis for adjusting the indicated farm allotment under this subparagraph.

(3) Allotments for new ELS cotton

farms—(i) Determination of acreage needed for establishing allotments for new ELS cotton farms. If any part of the State reserve or the county reserve is to be used for establishing allotments for new cotton farms, the county committee with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new ELS cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing allotments for new ELS cotton farms. In determining the acreage. if any, from the county reserve which is to be used for establishing allotments for new ELS cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve pursuant to § 722,366(c) (4) for establishing allotments for new ELS cotton farms. The total acreage reserve for establishing allotments for new ELS cotton farms in the county, including any acreage allocated to the county for new ELS cotton farms from the State reserve, shall not exceed 75 percent of the total of the farm allotments which the county committee estimates will be determined for the same number of old ELS cotton farms in the county which are similar except for the

acreages planted to ELS cotton during

the years 1957, 1958, and 1959.

(ii) Eligibility of a new ELS cotton farm for an ELS cotton allotment. An ELS cotton allotment for a new ELS cotton farm may be established by the county committee if each of the following conditions is met:

(a) An application for an ELS cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1960. (January

15, 1960, in Puerto Rico.)

(b) The farm operator is largely dependent on income from the farm for his livelihood. Where the farm operator is a partnership, each partner must be largely dependent on income from the farm for his livelihood; where the farm operator is a corporation, it must have no major corporate purpose other than operation, and ownership where applicable, of such farm, and the officers and general manager of the corporation must be largely dependent on income, whether dividends or salary, from the corporation for their livelihood.

(c) The farm is the only farm in the United States which is owned or operated by the farm operator or farm owner for which an ELS cotton allotment is

established for 1960.

(iii) Establishmen: of allotments for new ELS cotton farms. If the applicant's farm is eligible for an ELS cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of ELS cotton. The allotment so determined for any such farm shall not exceed the smaller of (a) the indicated allotments established pursuant to paragraph (c) of this section for old ELS cotton farms in the county which are similar except for the acreages planted to ELS cotton during the years 1957, 1958, and 1959, or (b) the allotment requested by the applicant. The sum of the allotments determined by the county committee for new ELS cotton farms shall not exceed the reserves available for such farms in the county under this subparagraph. The allotments for new ELS cotton farms shall be subject to review and approval by a representative of the State committee as provided in § 722.380. If the acreage planted to ELS cotton on a new ELS cotton farm is less than the ELS cotton allotment established for the farm pursuant to this subparagraph, such allotment shall be automatically reduced to the acreage planted to ELS cotton on the farm.

(4) Adjustments in farm allotments to correct inequities and to prevent hardship. The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (h) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time

the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve which is made pursuant to § 722.366(c)(5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to ELS cotton in 1957, 1958, and 1959; the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(e) Use of acreage allocated to county from State reserve for adjusting allotments for small farms. The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (d) (1) and (2) of this section for adjusting

small farm allotments.

(f) Allocation of reserve acreage by use of mathematical formula or rule. Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the reserves provided for in paragraphs (d) (1), (2), and (4) and (e) of this section shall be subject to approval of a representative of the State committee on the basis of standards approved by the State committee.

(g) Reconstitution of farms. The reconstitution of farms under §§ 722.361 to 722,382 shall be governed by the regulations pertaining to reconstitution of farms in Part 719 of this chapter (23

F.R. 6731), as amended.

(h) Allotments for late and reconstituted farms and correction of errors. The reserves provided for in paragraph (d) (4) of this section and in § 722.366(c) (5) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee, (2) for correcting errors in farm allotments, and (3) for use in establishing allotments for farms which are divided or combined for 1960 under paragraph (g) of this section.

§ 722.368 Release and reapportionment of ELS cotton allotments.

- (a) Conditions under which farm allotments cannot be released. The following farm allotments shall not be released in whole or in part:
- (1) Allotments for new ELS cotton farms.
- (2) The allotment for an old ELS cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government, as lessor on condition that no land on the farm shall be planted to ELS cotton.

(3) The allotment for any farm where such release is opposed by the owner or operator or the holder of a real estate lien on the farm.

(4) The allotment for any farm where the county committee, prior to approval of the particular release and prior to the final date for reapportionment of released allotments established for the county, determines that the farm is being acquired for governmental or other

public purpose. (b) Allotments which may be released. Except as provided otherwise in paragraph (a) of this section, any part of any 1960 farm allotment for an old ELS cotton farm which will not be used in 1960 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of ELS cotton: land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; and soil and other physical facilities affecting the production of ELS cotton: Provided, however, That any allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract, or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm or released to the State committee for reapportionment to other counties. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm allotments shall be no later than the date on which the planting of ELS cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms shall be no later than the latest date on which ELS cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county com-mittee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.366 (f). In establishing such closing dates, the State committee shall take into consideration the time required for reallocation to counties and farms of such surrendered acreage. Any farm allotment released for 1960 only shall, in determining future farm ELS cotton allotments, be regarded as having been planted on the farm from which such allotment was released if ELS cotton was seeded on such farm (or acreage history is provided for the farm under section 377 of the act or section 106(a) or section 112(2) of the Agricultural Act of 1956 or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended) in at least one of the years in the three-year farm base period. Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for an old ELS cotton farm may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm ELS cotton allotments, the planting in 1960 of reapportioned allotments shall not be considered. For the purpose of determining future State and county allotments, released acreage will be credited to the State and to the county in which such acreage was released.

(c) Apportionment of surrendered acreage allocated to county by State committee. The acreage apportioned to the county under § 722.366(f) may be used by the county committee for establishing and adjusting farm allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (d) and (e) of

§ 722.367.

§ 722.369 Adjustment of allotment bases and determination of acreage history.

(a) Farm base adjustments under section 344(f)(8) of the act. Section 344(f)(8) of the act as amended by Public Law 86-172 (73 Stat. 293, approved August 18, 1959) provides for adjustment of the farm base under certain circumstances beginning with allotments established for the 1961 crop of ELS cotton. Since such adjustments are required if 1960 plantings of ELS cotton are reduced below a specified percentage. the following items are set forth so that farm operators in 1960 may be fully advised and take any necessary action:

(1) Beginning with allotments established for the 1961 crop of ELS cotton, if the acreage actually planted (or regarded as planted under the Soil Bank Act, Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, and the release and reapportionment provisions of section 344(m) (2) of the act) to ELS cotton on the farm in 1950 was less than 75 percent of the 1960 farm allotment, in lieu of using the 1960 farm allotment as the farm base, the base shall be the average of (i) the ELS cotton acreage actually planted or regarded as planted for the farm for 1960 and (ii)

the 1960 farm allotment.

(2) The farm base adjustment described in item 1 above shall not be made if the county committee determines that failure to plant at least 75 percent of the farm allotment was due to conditions beyond the control of producers on the farm. Such conditions are limited to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm. The farm operator may file an application in writing with the county committee showing that failure to plant

at least 75 percent of the farm allotment in 1960 was due to conditions beyond the control of producers on the farm and requesting that no adjustment be made of the farm base for use in establishing the farm allotment for 1961. Such application shall be filed not later than August 1, 1960. In order for the county committee to approve such application for a farm, producers on the farm must have been prevented by conditions beyond the control of such producers from timely planting or replanting of ELS cotton.

(b) Preservation of acreage history under section 377 of the act. Section 377 of the act as amended by Public Law 86-172 (73 Stat. 393, approved August 18, 1959) provides for preservation of acreage history beginning with the 1960 crop under certain circumstances. The farm allotment for 1960, excluding any allotment released from the farm or reapportioned to the farm, shall be considered for purposes of future State, county, and farm allotments to have been planted to ELS cotton (acreage history for released allotment shall be determined in accordance with § 722.368(b)): Provided, however, That the farm allotment for 1960, except for such allotment on farms owned by the Federal Government, shall not be preserved as history acreage unless an acreage equal to 75 percent or more of the farm allotment, after release and before reapportionment, in one of the years 1958, 1959, or 1960 was seeded to ELS cotton or devoted to the production of ELS cotton but seeded prior to such year or was regarded as planted to ELS cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended; and in cases where the farm allotment for 1960 shall not be preserved under this proviso, the acreage considered to have been planted to ELS cotton in such cases shall be the sum, subject to the limitation under § 722.378, of (1) acreage seeded to ELS cotton on the farm in 1960, (2) acreage devoted to the production of ELS cotton on the farm in 1960 but seeded prior to 1960, and (3) acreage regarded as planted on the farm in 1960 under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(c) Farm acreage history. Farm acreage history for the purpose of establishing future State and county allotments shall be the sum of the acreage considered to have been planted to ELS cotton under paragraph (b) of this section plus the acreage released for 1960 only from the farm.

§ 722.370 Allotments for special farms.

(a) Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain. Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain, farm allotments for such acquired land and determination of other farm allotments for

such owner shall be governed by section 378 of the act and the regulations pertaining to reconstitution of farms in Part 719 of this chapter (23 F.R. 6731), as amended.

(b) Publicly owned agricultural experiment stations—(1) Allotments for farms operated by publicly owned agricultural experiment station. A farm allotment shall be established pursuant to the provisions of § 722.367 for a farm operated by a publicly owned agricultural experiment station.

(2) Conditions under which production is exempted from penalty. The marketing penalty shall not apply to the marketing of any ELS cotton of the 1960 crop which is grown for experimental purposes only, on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to ELS cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (i) the acreage planted to ELS cotton on the farm in excess of the farm allotment, or (ii) the acreage planted to ELS cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to ELS cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the cost and risks incident to the production of the ELS cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.371 Notice of farm allotment and marketing quota.

Immediately after farm allotments in a county are established and approved by the State committee or an employee of the State office pursuant to § 722.380(b), the county committee shall mail to the operator of each such farm a written notice of the farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established, a similar written notice showing "None" as the allotment and marketing quota, established for the farm. The notice shall contain at or near the top thereof substantially the following statement: "To all persons" who as operator, landlord, tenant, or sharecropper, will for the crop year shown above be interested in the commodity designated above produced on the farm for which this acreage allotment

and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice, containing a notation thereon of the date of mailing the notice to the opertaor of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the ELS cotton produced in 1960 on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether ELS cotton farmers favor or oppose marketing quotas for the 1960 crop. Where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for in this section, use shall be made of such other method of service as is available; however, when such other method is used, the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice. Farm allotments shall not become effective unless (a) proper approval is obtained as provided under § 722.380 and (b) written notice of farm allotment is issued as provided under §§ 722.361 to 722.382. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for 1960 and, where required, the county committee shall issue a revised notice of farm allotment.

§ 722.372 Amount of farm marketing quota.

The farm marketing quota for any farm for the 1960 crop of ELS cotton shall be the actual production of ELS lint cotton on the farm less the farm marketing excess.

§ 722.373 Amount of farm marketing excess.

The farm marketing excess for the 1960 crop of ELS cotton shall be the normal production of the acreage of ELS cotton on the farm in excess of the farm allotment: Provided, That such farm marketing excess shall not be larger than the amount by which the actual production of ELS cotton on the farm exceeds the normal production of the farm allotment if the producer establishes such actual production in accordance with the regulations pertaining to marketing quotas for ELS cotton (§§ 722.101 to 722.152; 23 F.R. 3241), as amended.

ments and marketing quotas.

One copy of each notice of the farm allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof, a listing of such allotments and quotas shall be prepared and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. Either the copies of notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees.

§ 722.375 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop or in ELS cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of ELS

§ 722.376 Marketing quotas not trans-

A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.368 and 722.370(a) may not be assigned or otherwise transferred in whole or in part to any other

MISCELLANEOUS PROVISIONS

§ 722.377 Measurement of farms to determine compliance with allotments.

For purposes of determining compliance with allotments, premeasurement of farms, measurement of farms after planting, notice of measured acreage, disposition of excess acreage and remeasurement shall be governed by Part 718 of this chapter (24 F.R. 4223), as amended.

§ 722.378 No credit for overplanting the farm allotment.

Any acreage planted to ELS cotton in 1960 in excess of the farm allotment for the 1960 crop of ELS cotton shall not be taken into account in establishing State. county, and farm allotments for the 1961 and subsequent crops of ELS cotton.

§ 722.379 Availability of records.

The State and county committees shall make available for inspection by owners. or operators of farms receiving ELS cotton allotments, all records pertaining to ELS cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and the distribution of the county reserve.

§ 722.374 Publication of farm allot- § 722.380 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.

(a) Approval of State reserves, county allotments, and county reserves. Determinations of State reserves and county allotments as provided for in § 722.366 (a) and (e) and of county reserves, as provided in § 722.367(b), shall be subject to review and approval by the Secretary and such allotments and reserves as approved by the Secretary shall be published at a later date in an amendment to § 722.366(g).

(b) Approval of county committee determinations. A representative of the State committee shall review all farm allotments prior to issuance thereof and may revise or require revision of any determinations made under §§ 722.367 to 722.377: Provided, however, That such prior review shall not be required where revised farm allotments resulting from reconstitution of farms or from release and reapportionment of farm allotments do not require additional acreage for allocation. ELS cotton allotments for both old and new ELS cotton farms shall be approved by a representative of the State committee. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) Additional authority for determination of farm allotments and farm marketing quotas. In addition to the authority established in §§ 722.361 to 722.380(b) for determination of farm allotments and farm marketing quotas for both old and new ELS cotton farms, including revised allotments to correct errors, such determinations may be made by the Secretary, an Assistant Secretary of Agriculture, or the Administrator of Commodity Stabilization Service. A notice conforming to the requirements of § 722.371 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.371. A copy of each notice shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of § 722.371 to any person who as operator, landlord, tenant, or sharecropper, is interested in the ELS cotton produced in 1960 on the farm for which the notice is

§ 722.381 Review of farm allotment.

(a) Review committees. Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.371, have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper ap-

plication, review the action of the county committee. In all cases, the review committee shall consider only such matters as under the applicable provisions of the act and the regulations in this part, are required or permitted to be considered by the county committee in establishing the allotment. Unless such application is made within 15 days, the original determination of the farm allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) Court review. If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

§ 722.382 Erroneous notices.

(a) Erroneous notice of ELS cotton allotment. In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to ELS cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of ELS cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State administrative officer. The acreage planted to ELS cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.378.

(b) Erroneous notice of planted acreage. In any case where it is discovered after all the ELS cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to ELS cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowl-

edge of the error in time to adjust the excess acreage in accordance with

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting. computing, or recording the ELS cotton acreage for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way

responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met. and the State administrative officer concurs upon review of the county committee determination, the acreage planted to ELS cotton on the farm will be considered as an acreage equal to the farm allotment.

Note: The reporting and recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Done at Washington, D.C., this 15th day of October 1959.

> True D. Morse, Acting Secretary.

[F.R. Doc. 59-8866; Filed, Oct. 20, 1959; 8:52 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER I-DETERMINATION OF PRICES [Sugar Determination 874.12]

PART 874—SUGARCANE; LOUISIANA 1959 Crop .

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein-referred to as "act"). after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on July 30, 1959, the following determination is hereby issued:

§ 874.12 Fair and reasonable prices for the 1959 crop of Louisiana sugar-

A producer of sugarcane in Louisiana who is also a processor of sugarcane (herein referred to as "processor") shall have paid or contracted to pay, for sugarcane of the 1959 crop grown by other producers and processed by him, in accordance with the following requirements.

(a) Definitions. For the purpose of this section the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(3) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, for the week (Friday through the following Thursday) in which the sugarcane is delivered.

(4) "Season's average price" means the simple average of the weekly prices of raw sugar for the period October 9, 1959, through January 28, 1960, and of blackstrap molasses for the period October 9, 1959, through April 28, 1960.
(5) "Net sugarcane" means the quan-

tity of sugarcane obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(6) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(7) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49 percent.

(8) "Salvage sugarcane" means any sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(9) "State Office" means the Louisiana State Agricultural Stabilization and Conservation Office, Alexandria, Louisiana.

(10) "State Committee" means the Louisiana State Agricultural Stabilization and Conservation Committee.

(b) Basic price. (1) The basic price for standard sugarcane shall be not less than \$1,06 per ton for each one-cent per pound of raw sugar determined on the basis of the weekly average price or the season's average price in accordance with whichever period was used by the processor during the 1958 crop, or the processor may use the alternate period upon written approval by the State Office: Provided, That the average price of raw sugar as determined above shall be increased 0.03 cent for all mills located in Freight Area (a); shall be unchanged for all mills in Freight Area (b); and may be decreased 0.03 cent in Freight Area (c).1

(2) The basic price for salvage sugarcane shall be determined in accordance with the method of settlement used by the processor for the 1958 crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State Office upon a determination by the State Committee that the method of settlement and the resultant price are fair and reasonable.

(c) Conversion of net sugarcane to standard sugarcane. Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

rcent sucrose in	Standard sugarcane
normal juice	quality factor 1
9.5	0.60
10.0	70
10.5	30
11.0	.90
11.5	95
12.0	1.00
12.5	1.05
13.0	1. 10
13.5	1.15
14.0	1.20
14.5	1.25

¹The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall-be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

¹Freight Area (a) includes all mills except those located in Areas (b) and (c) below:

Freight Area (b) includes all mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalava River.

Freight Area (c) includes all mills located north and west of New Iberia west of the Atchafalaya River.

STANDARD SUGARCANE PURITY FACTOR 1

Percent	nurity of							Percer	nt sucrose	in normal	l juice						
	il juice	At least —9,50	9.70	9,90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than— 9.69	9.89	10.09	10.29	10,49	10.99	11.49	11.99	12,49	12.99	13,49	13.99	14.49	14,99	15.49	15,99
68.00 68.25 68.75 68.75 69.00 69.75 70.00 71.50 71.50 72.50 73.00 73.70 74.50 75.60 76.00 76.70 77.70 78.00 77.70 78.00 77.70 78.00 77.70 78.00 77.70 78.00 77.70 78.00 77.70 78.00 77.70 80.00 78.50 80.00 80	63. 24 63. 74 63. 74 63. 79 69. 79 70. 79 71. 49 72. 99 73. 49 75. 49 75. 49 76. 79 77. 79 78. 99 79. 99 70. 99 70. 99 71. 99 72. 99 73. 99 74. 99 75. 99 76. 99 77. 99 77. 99 78. 99 79. 99 80. 99 81. 49 82. 59 83. 59 83. 59 84. 99 84. 99 85. 99 86. 86 86. 86											0.908 .913 .917 .922 .927 .931 .936 .949 .949 .958 .966 .970 .978 .981 .985 .989 .993 .906 1.000 1.003 1.007 1.014 1.014 1.027 1.030 1.031 1.033 1.033	0.901 .906 .910 .915 .920 .924 .933 .938 .942 .947 .951 .955 .963 .963 .971 .978 .989 .989 .999 .1000 .1007 .1014 .1014 .1020 .1033	0.894 899 904 901 914 918 923 927 936 940 944 948 952 956 960 964 967 971 971 972 982 983 1.006 1.003 1.016 1.013 1.016 1.022 1.025	0. 887 892 897 902 903 917 921 930 934 933 942 950 953 961 965 969 978 983 981 995 983 981 995 983 981 985 985 985 985 985 985 985 985	0.880 .885 .896 .896 .902 .906 .911 .915 .924 .928 .932 .938 .940 .944 .948 .952 .955 .959 .963 .967 .977 .981 .988 .991 .994 .998 .991 .1004 .1007 .1010 .1013 .1016	0. 873 . 878 . 884 . 890 . 905 . 905 . 909 . 914 . 918 . 926 . 933 . 934 . 946 . 946 . 957 . 961 . 977 . 961 . 978 . 983 . 995 . 995

¹ Factors applicable to higher sucrose and purity of the normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the State Office upon request.

(d) Payment for frozen sugarcane. (1) The payment for sugarcane determined pursuant to paragraph (c) of this section may be reduced upon certification by the State Office that sugarcane has been damaged by freeze and that the processing of such sugarcane has adversely affected boiling house operations. Deductions from the payment for such frozen sugarcane shall be at rates not in excess of 1.5 percent of the payment for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). No payment is required for the amount of sugar recoverable from sugarcane testing in excess of 4.75 cc. of acidity.

(2) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to written approval by the State Office: Provided, That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed \$3.00 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing, and transporting such sugarcane.

(e) Molasses payment. The processor shall pay an amount equal to the product of 6.7 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents for each ton of net sugarcane processed except for (1) salvage sugarcane where settlement is based on the so-called "Java Formula", (2) frozen sugarcane testing in excess of 4.75 cc. acidity, and (3) sugarcane damaged by a general freeze which is tolled by the processor and settlement is based on the net proceeds from the sugar and molasses recovered from such cane. The average price of blackstrap molasses shall be the weekly average price or the season's average price in accordance with whichever period was used by the processor during the 1958 crop, or the processor may use the alternate period upon written approval by the State Office.

(f) Hoisting, weighing, and transportation. The price for sugarcane established by this section shall be applicable to sugarcane delivered by the producer (1) to a hoist for loading into the conveyance for transportation to the mill, or (2) from the farm directly to the mill. With respect to sugarcane delivered to a hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be paid by the processor or the processor shall make allowances to the producer for such services, based on net sugarcane, at per ton rates not less than those made with respect to sugarcane of the 1958 crop: Provided, That the processor shall not be required to make hauling allowances to the producer in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would have charged for performing such service. With respect to sugarcane delivered directly from the farm to the mill the processor shall pay the cost of transportation or shall make an allowance to the producer for such service, based on net sugarcane, at per ton rates not les than those made with respect to the 1958 crop: Provided, That the processor shall not be required to make an allowance to the producer for hauling sugarcane directly from the farm to the mill at rates in excess of 30 cents per ton for distances of one mile or less, 40 cents per ton for distances of 1.1 to 2 miles, plus 5 cents per ton for each mile or fraction thereof in excess of 2 miles; Provided, further, That nothing in this paragraph shall be construed as prohibiting negotiations between the processor and the producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the State Office upon a determination by the State Committee that the change results in allowances which are fair and reason-

(g) Mutual plan for improving harvesting and delivery. If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, the processor may de-

duct from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction may not be made until the plan has the written approval of the State Office and it has been determined by the State Committee that the plan is fair and reasonable.

(h) Sugarcane for livestock feed. The requirements of this section are applicable to all sugarcane grown by a producer and processed by the processor for the extraction of sugar or liquid sugar: Provided, That such requirements shall not apply with respect to sugarcane grown on acreage in excess of the proportionate share for the farm if such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

(i) Subterfuge. The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1959 crop grown by other producers.

(b) Requirements of the act. Section 301(c) (2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) 1959 price determination. This determination continues the provisions of the 1958 determination except that: (1) The period for determining the season's average price for raw sugar has been shortened one month and the period for determining the season's average price for molasses has been lengthened two months: (2) the differentials in freight costs on raw sugar for the three areas have been changed to recognize reductions in freight rates; (3) molasses payments are to be based on 6.7 gallons per ton of sugarcane to reflect the most recent 5-year average molasses recovery; and (4) the processor is required to pay costs or make allowances for hoisting, weighing, and transporting sugarcane at the hoist where the sugarcane is loaded into the conveyance for shipment to the mill.

A public hearing was held in Thibodaux, Louisiana, on July 30, 1959, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1959 crop of sugarcane. A representative of the Grower-Processor Committee recommended that the pricing period for

raw sugar extend from October 9, 1959. through January 28, 1960; that the pricing period for blackstrap molasses extend from October 9, 1959, through April 28, 1960; that the raw sugar freight differentials be reduced to reflect current raw sugar freight rates: that the provisions of the 1958 determination relating to payment for salvage sugarcane and frozen sugarcane be continued for the 1959 crop; that sugarcane purchased by the Valentine Sugar Company in the area formerly served by the Reserve factory be delivered by the producer, at his own expense, to the company's hoist located on the bank of the Mississippi River where it will be loaded into barges and transported to the mill by the processor; and that the other provisions of the 1958 determination remain un-changed. The representative of the Sugar Advisory Committee of the Louisiana Farm Bureau Federation concurred in the recommendations of the Grower-Processor Committee relating to pricing periods for sugar and molasses; changes in the area freight rate differentials; and payment for frozen sugarcane. The witness recommended, however, that "salvage" sugarcane be redefined to include only frozen sugarcane having high acidity and low recoveries of sugar in relation to its sucrose and purity tests; that immature or other sugarcane containing either less than 9.5 percent sucrose or less than 68 purity in the normal juice, except frozen sugarcane, be classed as "sub-standard" sugarcane; and, that the basic price for such cane be determined by all processors on the basis of a scale-down of the sucrose and purity factors provided in the determination.

Consideration has been given to the testimony presented at the public hearing, to information obtained as a result of investigation; and to other pertinent factors. Analysis of comparative returns, costs, and profits of producing and processing sugarcane obtained through field survey and recast in terms of prospective price and production conditions for the 1959 crop, indicates that the sharing relationship between producers and processors provided in the 1958 determination is equitable for the 1959 crop.

The recommendations of producer and processor representatives concerning the periods for computing the season's average prices of raw sugar and molasses, changes in area freight rate differentials, continuation of the pricing basis for frozen sugarcane, and the limitation of the processors' responsibility for costs of hoisting and transporting sugarcane have been adopted.

The witness for the Grower-Processor Committee indicated that he did not anticipate marketing restrictions on raw sugar during the 1959 processing season, and that a shorter pricing period would more likely coincide with the anticipated marketing opportunities for raw sugar. On the other hand, it was pointed out that in view of the large quantities of molasses available, buyers have indicated an unwillingness to purchase Louisiana molasses on a short season's average pricing basis. The witness for the

Growers-Processor Committee testified that if a short pricing period was adopted processors might be inclined to "dump" molasses on the market whereas the possibility of more orderly marketing would be enhanced by a longer pricing period.

Prior to 1949 freight rate differentials were broadly recognized in the payment for sugarcane through the use of different normal juice sucrose ranges for "standard" sugarcane. In 1949 "standard" sugarcane was defined as sugar-cane containing 12 percent sucrose in the normal juice. Raw sugar freight rate differentials were established for three geographical areas to compensate for the former differences in the definition of "standard" sugarcane. These differential deductions from the season's average price per pound of raw sugar during the period 1949-1954 amounted to 0.00 cent for the "base" area (a), 0.065 cent for area (b), and 0.10 cent for area (c). Freight rates were increased in 1955 and the differentials were adjusted to 0.022 cent, 0.097 cent, and 0.147 cent for the three freight areas for the 1955-1958 crops. Current freight rates are substantially less than those established in 1955. As a result of the lower rates and use of the same method of computing differentials applicable in prior years, this determination establishes differentials of plus 0.03 cent in the "base" area (a), 0.00 cent in area (b), and minus 0.03 cent in area (c). Accordingly, for purposes of computing payments for sugarcane the season's average price of raw sugar will be increased 0.03 cent in area (a), unchanged in area (b), and decreased 0.03 cent in area (c).

Valentine Sugar Company proposes to purchase 1959 crop sugarcane from several producers located in an area formerly serviced by a processor who has discontinued sugarcane grinding operations. The producers in this area are unable to have their cane ground at other nearby mills because such mills do not have sufficient cane grinding capacity. Valentine Sugar Company, a processor of sugarcane, is located more than 85 miles from the area of production. The processor has installed a hoist on the bank of the Mississippi River and has agreed with the producers involved that cane will be delivered in the producing locality to this hoist at the producer's expense, where it will be hoisted and transported to the mill at the processor's expense. About 80 percent of the cane delivered by producers will be delivered to the river hoist from the fields in tractor carts but 20 percent of the cane will be hoisted at farm hoists into trucks for delivery to the river hoist. processor's cost of hoisting and transporting the cane by barge to the mill is estimated to be \$1.25 per ton. In view of the unusual circumstances of intermediate hoisting and transportation of sugarcane and the agreement between the parties as to the sharing of costs. this determination requires the processor to pay the cost or make allowances to producers for hoisting, weighing and transporting cane only from the hoist at the river bank to the mill. Although this provision is general, it is expected to apply only to Valentine Sugar Company

and the group of producers in the former Reserve area.

The recommendation of the Farm Bureau for a change in the definition and method of payment for "salvage" sugarcane has been studied with interest. The effect of the recommendation would be to classify such sugarcane with all other sugarcane, except frozen sugarcane, purchased by the processor. A comparison of the two methods of payment used for valuing salvage cane indicates the possibility of differences in payment because of the lack of consistency in the relationship of the sucrose and purity levels of such sugarcane. Data available to the Department are neither extensive nor uniform. Accordingly, the recommendation has not been adopted in this determination.

On the basis of examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929; as amended; 7 U.S.C. 1131)

Issued this 15th day of October 1959.

TRUE D. Morse,
Acting Secretary of Agriculture.

[F.R. Doc. 59-8867; Filed, Oct. 20, 1959; 8:52 a.m.]

Chapter IX — Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 814, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq., 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must

become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.921 (Lemon Regulation 814; 24 F.R. 8251) are hereby amended to read as follows:

(ii) District 2: 139,500 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 15, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-8845; Filed, Oct. 20, 1959; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-14] [Amdt. 42]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On July 28, 1959, a notice of proposed rule-making was published in the Federal Register (24 F.R. 6008) stating that the Federal Aviation Agency was considering an amendment to § 600.6072 of the regulations of the Administrator which would modify VOR Federal airway No. 72 over an intermediate VOR to be installed at Dogwood, Mo.

VOR Federal airway No. 72 presently extends from Fayetteville, Ark., to Albany, N.Y. The distance between the Fayetteville, Ark., VOR and the Maples, Mo., VOR segment of this airway is approximately 155 miles, which is considerably in excess of the normally desired 90 mile maximum spacing between VOR's. The modification of the airway over an intermediate VOR to be installed approximately March 10, 1960, at Latitude 37°01'23'', Longitude 92° 52'37" (In the Notice, the Longitude was erroneously shown as 92°51'37") would increase the signal strength and useability of the airway at low altitudes. Such modification would result in this airway segment being designated from Favetteville, Ark., VOR via a new VOR at Dogwood, Mo., to Maples, Mo., VOR. The control areas associated with VOR Federal airway No. 72 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

No adverse comment was received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6072 (24 F.R. 3226) is amended as follows:

In the text of § 600.6072 VOR Federal airway No. 72 (Fayetteville, Ark., to Albany, N.Y.), delete "From the Fayetteville, Ark., VOR; via the Maples, Mo., VOR;" and substitute therefor "From the Fayetteville, Ark., VOR via the Dogwood, Mo., VOR; Maples, Mo., VOR;".

This amendment shall become effective 0001 e.s.t. April 7, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on October 14, 1959.

GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8831; Filed, Oct. 20, 1959; 8:46 a.m.]

[Airspace Docket No. 59-LA-22]

[Amdt. 63]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

-[Amdt. 71]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL A R E A S , CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Redesignation of Control Area Ex-

The purpose of this amendment to \$\$ 600.6066 and 601.1076 of the regulations of the Administrator, is to reflect changes made necessary by the relocation of the Gila Bend, Ariz., VOR.

Due to unsatisfactory performance at its present site, the Federal Aviation Agency has found it necessary to relocate the Gila Bend VOR. This relocation to be effective on or about December 17, 1959, will move the facility approximately three miles to the east, to a position at latitude 32°51'21", longitude 112°40'22".

The relocation of this facility will necessitate the modification of the segment of VOR Federal airway No. 66 between the Yuma, Ariz., VOR and the Gila Bend VOR, in order to avoid conflict with the Ajo, Ariz., Restricted Area, R-309. The control areas associated with VOR Federal airway No. 66 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment to such control areas is necessary.

Additionally, it will be necessary to redescribe the boundary of the Phoenix, Ariz., control area extension. This will be done by reference to existing VOR Federal airways.

Since this amendment imposes no additional burden on the public, com-

pliance with the notice, and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6066 (14 CFR, 1958 Supp., 600.6066, 24 F.R. 702, 24 F.R. 2646); and § 601.1076 (14 CFR, 1958 Supp., 601.1076) are amended as follows:

- 1. In the text of § 600.6066 VOR Federal airway No. 66 (San Diego, Calif., to Sulphur Springs, Tex.) delete "intersection of the Yuma omnirange 87° True and the Gila Bend omnirange 261° True radials; Gila Bend, Ariz., VOR;" and substitute therefor "INT of the Yuma VOR 087° and the Gila Bend VOR 262° radials; Gila Bend, Ariz., VOR:".
- 2. In the text of § 601.1076 Control area extension (Phoenix, Ariz.) delete "on the south by VOR Federal airway No. 66N, and on the west by VOR Federal airway No. 87; that airspace northwest and north of Phoenix bounded on the south by Green Federal airway No. 5," and substitute therefor "and on the south and west by VOR Federal airway No. 94; that airspace northwest and north of Phoenix bounded on the south by VOR Federal airway No. 16,".

This amendment shall become effective 0001 e.s.t. December 17, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on October 14, 1959.

George S. Cassady, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8832; Filed, Oct. 20, 1959; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A-GENERAL

PART 9-COLOR CERTIFICATION

Limitations of Certificates

A notice of proposed rule making was published in the Federal Register on April 15, 1959 (24 F.R. 2875), setting forth a proposal of the Commissioner of Food and Drugs to amend the color-certification regulations (24 F.R. 3851) by adding a new paragraph to § 9.7 Limitations of certificates. The notice invited all interested persons to submit views and comments.

Upon consideration of the views and comments submitted and other relevant information, it is concluded that the color-certification regulations should be amended. Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500):

It is ordered, That § 9.7 be amended by adding thereto the following new paragraph (i):

§ 9.7 Limitations of certificates.

•

(i) (1) When the listing or the specifications for a coal-tar color are revoked or amended, the final order effecting the revocation or amendment shall specify, in addition to its own effective date, a date on which all certificates for existing batches and portions of batches of such a color theretofore issued under such revoked or amended regulations shall cease to be effective; and any such lots of the color shall be regarded as uncertified after the date specified unless a new certificate can be and is obtained in conformance with the new regulations. When a certificate thus ceases to be effective for a coal tar color, any certificates previously issued for a color mixture containing that color shall cease to be effective on the same date. Use of such color or color mixture after such specified date without the new certificate in preparing food, drugs, or cosmetics will result in such food, drugs, or cos-metics being adulterated. When a certified color has been used in food, drugs, or cosmetics, and the status of the color is thereafter changed by amendment or revocation of its listing or specification regulations, such food, drugs, and cosmetics will not be regarded as adulterated by reason of the use of such color, unless the hazard to health is such that existing stocks of the colored foods, drugs, or cosmetics cannot be safely used, in which cases findings to that effect will be made and regulations appropriate for such special cases will be issued.

(2) All certificates for existing batches and portions of batches of FD&C Orange No. 1, FD&C Orange No. 2, FD&C Red No. 32, FD&C Yellow No. 1, FD&C Yellow No. 3, and FD&C Yellow No. 4, issued before these colors were removed from the FD&C list, shall cease to be effective January 1, 1960. All certificates for existing batches and portions of batches of FD&C Red No. 1 (§ 9.60), which do not comply with the new specifications published in the FEDERAL REGISTER of July 16, 1959 (24 F.R. 5707) shall cease to be effective January 15, 1960.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be ad-

versely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on January 1, 1960, except as to any provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the Federal Register.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 406, 504, 604, 52 Stat. 1049, 1052, 1055; 21 U.S.C. 346, 354, 364)

Dated: October 14, 1959.

[SEAL] GEO. P. LARRICK, Commissioner of Food and Drugs.

[F.R. Doc. 59-8857; Filed, Oct. 20, 1959; 8:50 a.m.]

SUBCHAPTER C-DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b— CERTIFICATION OF STREPTOMYCIN (OR DIHYDRO-STREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c — CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended, 72 Stat. 948, 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045; 23 F.R. 9500) the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.24, 146b. 108, 146c.235) are amended as indicated below:

1. In § 146a.24 Sodium penicillin * * *, paragraph (b) Packaging is amended by changing the second sentence to read: "In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 100,-000 units, 200,000 units, 300,000 units, 300,000 units, or 5,000,000 units, except that when packaged and labeled solely for dental use each such container may contain not less

¹Since publication of the referenced notice, former § 9.10 was amended by deleting paragraph (1) (May 13, 1959; 24 F.R. 3818). These regulations were later recodified and republished (May 14, 1959; 24 F.R. 3851). Former § 9.10 is now designated as § 9.7.

than 10,000 units and except that when packaged and labeled for intravenous infusion only each such container may contain 20,000,000 units, and each may be packaged in combination with a container of the solvent, water for injection U.S.P., dextrose injection 5 percent U.S.P. (if not packaged for dental use), sodium chloride solution U.S.P. or an aqueous solution of a suitable local anesthetic."

- 2. In § 146b,103 Streptomycin syrup

 * * paragraph (c) (1) (iii) is amended
 by changing the number "36" to read

 "24 or 36."
- 3. In \$ 146c.235 Tetracycline hydrochloride-oleandomycin * * * paragraph (c) (1) (iv) is amended to read:
 - (c) Labeling. * * *
 - (1) * * *
- (iv) The statement "Expiration date ____," the blank being filled in with the date that is 24 months after the month during which the batch was certified.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the amendments covered by this order.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Secs. 507, 701, 59 Stat. 463, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371)

Dated: October 14, 1959.

[SEAL] GEO. P. LARRICK, Commissioner of Food and Drugs.

[F.R. Doc. 59-8858; Filed, Oct. 20, 1959; 8:50 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 4 — PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION

These rules are adopted by the United States Eoard of Farole for proceedings before it under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 536).

Sec.

4.1 Definitions.

- 4.2 Who may apply for Certificate of Exemption.
- 4.3 Contents of application.
- 4.4 Supporting affidavit; additional information.
- 4.5 Character endorsements.
- 4.6 Institution of proceedings.
- 4.7 Notice of hearing.
- 4.8 Hearing.
- 4.9 Representation.
- 4.10 Waiver of oral hearing.
- 4.11 Appearance; testimony; cross-exami-

No. 206-3

- 4.12 Evidence which may be excluded.
- 4.13 Record for decision.
- .14 Examiner's recommended decision; exceptions thereto; oral argument before Board.
- 4.15 Certificate of Exemption. 4.16 Rejection of application.

AUTHORITY: §§ 4.1 to 4.16 issued under secs. 504, 606, 73 Stat. 536, 540.

§ 4.1 Definitions.

As used in this part:

- (a) "Act" means the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519).
- (b) "Board" means the United States Board of Parole.
- (c) "Secretary" means the Secretary of Labor or his designee.
- (d) "Employer" means the labor organization, or person engaged in an industry or activity affecting commerce, or group or association of employers dealing with any labor organization, which an applicant under § 4.2 desires to serve in a capacity for which he is ineligible under section 504(a) of the Act.

$\S 4.2$ Who may apply for Certificate of Exemption.

Any person who has been convicted of any of the crimes enumerated in section 504(a) of the Act whose service, present or prospective, as described in that section is or would be prohibited by that section because of such conviction or a prison term resulting therefrom may apply to the Board for a Certificate of Exemption from such prohibition.

§ 4.3 Contents of application.

A person applying for a Certificate of Exemption shall file with the Chief Administrative Officer of the Board, HOLC Building, First and D Streets NW., Washington 25, D.C., a signed application under oath, in 10 copies, which shall set forth clearly and completely the following information:

(a) The name and address of the applicant and any other names used by the applicant and dates of such use.

- (b) Whether the applicant is or ever has been during the past five years a member of the Communist Party.
- (c) A statement of all convictions and imprisonments which prohibit the applicant's service under the provisions of section 504(a) of the Act.
- (d) Whether any citizenship rights were revoked as a result of conviction or imprisonment and if so the name of the court and date of judgment thereof and the extent to which such rights have been restored.
- (e) The name and location of the employer and a description of the office or paid position, including the duties thereof, for which a Certificate of Exemption is sought.
- (f) A full explanation of the reasons or grounds relied upon to establish that the applicant's service in the office or employment for which a Certificate of Exemption is sought would not be contrary to the purposes of the Act.

(g) A statement that the applicant does not, for the purpose of the proceeding, contest the validity of any conviction.

§ 4.4 Supporting affidavit; additional information.

- (a) Each application filed with the Board must be accompanied by a signed affidavit, in 10 copies, setting forth the following concerning the personal history of the applicant:
- (1) Place and date of birth. If the applicant was not born in the United States, the time of first entry and port of entry, whether he is a citizen of the United States, and if naturalized, when, where and how he became naturalized and the number of his Certificate of Naturalization.

(2) Extent of education, including names of schools attended.

- (3) History of marital and family status, including a statement as to whether any relatives by blood or marriage are currently serving in any capacity with any labor organization, group or association of employers dealing with labor organizations or industrial labor relations group, or currently advising or representing any employer with respect to employee organizing, concerted activities, or collective bargaining activities.
- (4) Present employment, including office or offices held, with a description of the duties thereof.

(5) History of employment, including military service, in chronological order.

(6) Licenses held, at the present time or at any time in the past five years, to possess or carry firearms.

(7) Veterans' Administration claim number and regional office handling claim, if any.

- (8) A listing (not including traffic offenses for which a fine of not more than \$25 was imposed or collateral of more than \$25 was forfeited) by date and place of all arrests, convictions for felonies, misdemeanors, or offenses and all imprisonment or jail terms resulting therefrom, together with a statement of the circumstances of each violation which led to arrest or conviction.
- (9) Whether applicant was ever on probation or parole, and if so the names of the courts by which convicted and the dates of conviction.
- (10) Names and locations of all labor organizations or employer groups with which the applicant has ever been associated or employed, and all employers whom he has advised or represented concerning employee organizing, concerted activities, or collective bargaining activities, together with a description of the duties performed in each such employment or association.
- (11) A statement of applicant's net worth, including all assets held by him or in the names of others for him, the amount of each liability owed by him or by him together with any other person, and the amount and source of all income during the immediately preceding five years.

(12) Any other information which the applicant feels will assist the Board in making its determination.

(b) The Board may require of the applicant such additional information as it deems appropriate for the proper consideration and disposition of his application.

§ 4.5 Character endorsements.

Each application filed with the Board must be accompanied by letters or other forms of statement (in three copies) from six persons attesting to the character and reputation of the applicant. Such persons shall not include relatives by blood or marriage, prospective employers, or persons serving in any official capacity with any labor organization, group or association of employers dealing with labor organizations or industrial labor relations group.

§ 4.6 Institution of proceedings.

All applications and supporting documents received by the Board shall be reviewed for completeness by the Chief Administrative Officer of the Board, and if complete and fully in compliance with the regulations of this part the Chief Administrative Officer shall accept them for filing.

§ 4.7 Notice of hearing.

Upon the filing of an application, the Board shall: (a) Set the application for hearing on a date within a reasonable time after its filing and notify by certified mail the applicant of such date; (b) give notice, as required by section 504(a) of the Act, to the appropriate State, County, or Federal prosecuting officials in the jurisdiction or jurisdictions in which the applicant was convicted that an application for a Certificate of Exemption has been filed and the date for hearing thereon; and (c) notify the Secretary that an application has been filed and the date for hearing thereon and furnish him a copy of the application and a copy of the supporting affidavit.

§ 4.8 Hearing.

The hearing on the application shall be held at the offices of the Board in Washington, D.C., or elsewhere as the Board may direct. The hearing shall be held before the Board, before one or more members of the Board, or before one or more examiners appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. 1010) as the Board by order shall determine. Hearings shall be conducted in accordance with sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 1006, 1007).

§ 4.9 Representation.

The applicant may be represented before the Board by any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State or territory of the United States, or the District of Columbia, and who is not under any order of any court suspending. enjoining, restraining, or disbarring him from, or otherwise restricting him in, the practice of law. Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Board, his personal appearance or signature shall constitute a representation to the Board that under the provisions of this part and applicable law he is authorized and qualified to represent the particular person in whose behalf he acts. Further proof of a person's authority to act in a representa-

tive capacity may be required. When any applicant is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by such applicant shall be given to or by such attorney. If an applicant is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

§ 4.10 Waiver of oral hearing.

The Board, upon receipt of a statement from the Secretary that he does not object, and in the absence of any request for oral hearing from the others to whom notice has been sent pursuant to § 4.7, may grant an application without receiving oral testimony with respect to it.

§ 4.11 Appearance; testimony; crossexamination.

(a) The applicant shall appear and, except as otherwise provided in § 4.10, shall testify at the hearing and may cross-examine witnesses.

(b) The Secretary and others to whom notice has been sent pursuant to § 4.7 shall be afforded an opportunity to appear and present evidence and cross-examine witnesses, at any hearing.

(c) In the discretion of the Board or presiding officer, other witnesses may testify at the hearing.

§ 4.12 Evidence which may be excluded.

The Board or officer presiding at the hearing may exclude irrelevant, immaterial, or unduly repetitious evidence.

§ 4.13 Record for decision.

The application, the supporting affidavit and the transcript of the testimony and oral argument at the hearing, together with any exhibits received, shall be made parts of the record for decision.

§ 4.14 Examiner's recommended decision; exceptions thereto; oral argument before Board.

Whenever the hearing is conducted by an examiner, at the conclusion of the hearing he shall submit a recommended decision to the Board, which shall include a statement of-findings and conclusions, as well as the reasons therefor. The applicant and the Secretary may file with the Board, within 10 days after having been furnished a copy of the recommended decision, exceptions thereto and reasons in support thereof. The Board may order the taking of additional evidence and may request the applicant and others to appear before it. The Board may invite oral argument before it on such questions as it desires.

§ 4.15 Certificate of Exemption.

The applicant and the Secretary shall be served a copy of the Board's decision and order with respect to each application. Whenever the Board's decision is that the application be granted, the Board shall issue a Certificate of Exemption to the applicant. The Certificate of Exemption shall extend only to the stated employment with the prospective employer named in the application.

§ 4.16 Rejection of application.

No application for a Certificate of Exemption shall be accepted from any per-

son whose application for a Certificate of Exemption has been denied by the Board within the preceding twelve months.

This order shall become effective on the date of its publication in the Feb-ERAL REGISTER. The regulations prescribed by this order are necessary for the carrying out of the provisions of section 504 of the Labor-Management Reporting and Disclosure Act of 1959, which became effective on September 14, 1959, the date of approval of the Act. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) with respect to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance because such compliance would unduly delay and impede the administration and enforcement of section 504 of the Labor-Management Reporting and Disclosure Act of 1959.

Dated: October 16, 1959.

UNITED STATES BOARD OF PAROLE, GEORGE J. REED, Chairman.

[F.R. Doc. 59-8856; Filed, Oct. 20, 1959; 8:50 a.m.]

Title 29-LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Employee Welfare or Pension Benefit Plans

The Welfare and Pension Plans Disclosure Act (72 Stat. 997 et seq.), which became effective January 1, 1959, contained a provision for the Secretary of Labor to prescribe and make available forms which may be used for filing a description of employee welfare or pension benefit plans, and for filing an annual report with respect to such plans. 29 CFR 2.11 provided a form for filing descriptions of employee welfare or pension benefit plans, and established certain procedures for the filing and disclosure of the information required by the Act. In order to discharge my responsibility under the foregoing provision of the Act, it is now necessary to supplement 29 CFR 2.11 by prescribing a form for submitting annual reports with respect to the plans, and by advising where the forms may be obtained.

Therefore, in accordance with section 3 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1002), and under the authority of section 8 of the Welfare and Pension Plans Disclosure Act (72 Stat. 1002), and R.S. 161 (5 U.S.C. 22), 29 CFR 2.11 is hereby amended as follows:

'1. Subparagraph (4), paragraph (a) of § 2.11 is hereby renumbered subparagraph (6).

2. Subparagraph (5), paragraph (a) of § 2.11 is hereby renumberer subparagraph (7).

- 3. Subparagraph (6), paragraph (a) of § 2.11 is hereby renumbered subparagraph (8).
- 4. Subparagraph (7), paragraph (a) of § 2.11 is hereby renumbered subparagraph (9).
- 5. A new subparagraph (4), paragraph (a) of § 2.11 is hereby added to read as follows:
- (4) The required publication of each annual report may be made on U.S. Department of Labor Form D-2,² Employee Welfare or Pension Benefit Plan Annual Report Form.
- 6. A new subparagraph (5), paragraph (a) of § 2.11 is hereby added to read as follows:
- (5) Copies of U.S. Department of Labor Form D-2, together with instructions and a guide for its use, will be furnished to administrators of plans upon receipt by the Welfare and Pension Reports Division, Bureau of Labor Standards, U.S. Department of Labor, Washington 25, D.C., of information which is submitted for initial filing as a description of the plan. After the initial annual report for each plan has been submitted for filing, and within a sufficient period of time prior to the date each succeeding annual report is required to be filed, administrators of plans will receive from the Welfare and Pension Reports Division, copies of U.S. Department of Labor Form D-2. Additional copies of U.S. Department of Labor Form D-2, together with instructions and a guide for its use, will be furnished to administrators of plans upon request directed to the Welfare and Pension Reports Division, Bureau of Labor Standards, U.S. Department of Labor, Washington 25, D.C.

(R.S. 161; 5 U.S.C. 22. Interpret, or apply sec. 8, 72 Stat. 1002)

This amendment shall become effective upon publication in the Federal Register.

Signed at Washington, D.C., this 14th day of October 1959.

JAMES P. MITCHELL, Secretary of Labor.

[F.R. Doc. 59-8842; Filed, Oct. 20, 1959; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

> [BDSA Order M-1A, Direction 1 of October 16, 1959]

M-IA-IRON AND STEEL

Dir. 1—Special Rules Regarding Acceptance of and Shipments Against Authorized Controlled Material Orders by Steel Producers

This direction under BDSA Order M-1A is found necessary and appropriate to promote the national defense and is

issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because it affects many different industries.

Sec.

- 1. What this direction does.
- 2. Definitions.
- 3. Rules applicable to steel producers whose operations were suspended.
- Rules applicable to steel producers whose operations were not suspended.
- 5. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended, P.L. 85-471, 72 Stat. 241; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, P.L. 85-471, 72 Stat. 241; 50 U.S.C. App. 2071, 2155; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673; 3 CFR, 1953, 1954 and 1956 Supps.; DMO I-7, as amended, 18 F.R. 5366, 6736, 6737, 19 F.R. 7348; 32A CFR Ch. I; Commerce Dept. Order No. 152 (Revised), 23 F.R. 7951.

Section 1. What this direction does.

This direction establishes procedures under which steel mills may achieve maximum production after resumption of operations while, at the same time, assuring prompt shipment of authorized controlled material orders placed prior to resumption of operations. It also provides for special preference in acceptance and shipment of authorized controlled material orders identified by the suffix "DX". In addition, it establishes transition rules for acceptance of new authorized controlled material orders.

Sec. 2. Definitions.

As used in this direction:

- (a) "ACM order" shall have the same meaning as "authorized controlled material order".
- (b) "ACM-DX order" means an authorized controlled material order identified with the suffix "DX" as provided in Direction 10 to DMS Regulation 1.
- Direction 10 to DMS Regulation 1.

 (c) "Unrated order" means a delivery order for steel controlled materials which is not an authorized controlled material order nor an order which must be accepted pursuant to the provisions of any regulation or order of BDSA.

(d) "Lead time" means the period of time in advance of the month of required shipment for steel controlled materials as specified in Schedule III of DMS Regulation 1

(e) "Set-aside" means a limitation for required acceptance of authorized controlled material orders for steel established by or pursuant to any regulation, order or directive of BDSA.

(f) "Resumption of operations" means

(f) "Resumption of operations" means the date of the end of the steel work stoppage which began during the summer of 1959.

(g) "Clean-up date" means the close of the month following the month of resumption of operations or 45 days after such resumption, whichever is later.

- Sec. 3. Rules applicable to steel producers whose operations were suspended.
- (a) The provisions of this section apply only to those producers of steel controlled materials whose production was suspended during the work stoppage which began during the summer of 1959 and such provisions shall take effect upon resumption of operations.
- (b) A steel controlled materials producer who, prior to his resumption of operations, has accepted an ACM order for steel calling for delivery during or before the month of his resumption of operations shall make shipment as close to the requested delivery date as is practicable. In complying with this provision he may schedule his production and shipments to fill such orders in any sequence he desires: Provided, That shipment against all such ACM orders shall be made not later than the clean-up date. To the extent that he is unable to make shipment by such date, he shall promptly notify BDSA, Iron and Steel Division, by letter or telegram, listing such ACM orders.
- (c) A steel controlled materials producer must, without regard to lead time, accept each ACM order calling for delivery during the calendar quarter of resumption of operations unless it is impracticable for him to make shipment during the required delivery month in which event he must accept such order for the earliest practicable delivery date.
- (d) A steel controlled materials producer must accept each ACM-DX order calling for delivery during the calendar quarter of resumption of operations even though the applicable set-aside has been reached or would be exceeded by such acceptance.
- (e) A steel controlled materials producer must give preference in shipment to each ACM-DX order calling for delivery during or prior to the calendar quarter of resumption of operations over unrated orders and other ACM orders.
- Sec. 4. Rules applicable to steel producers whose operations were not suspended.
- (a) The provisions of this section apply only to those producers of steel controlled materials whose production was not suspended during the work stoppage which began during the summer of 1959 and such provisions shall take effect upon the effective date of this direction.
- (b) A steel controlled materials producer must, without regard to lead time, accept each ACM-DX order calling for delivery during the fourth calendar quarter of 1959 unless it is impracticable for him to make shipment during the required delivery month in which event he must accept such order for the earliest practicable delivery date.
- (c) A steel controlled materials producer must accept each ACM-DX order calling for delivery during the fourth calendar quarter of 1959 even though the applicable set-aside has been reached or would be exceeded by such acceptance.
- (d) A steel controlled materials producer must give preference in shipment to each ACM-DX order calling for delivery during or prior to the fourth cal-

²Filed as part of the original document.

ders and other ACM orders.

Applicability of other regulations and orders.

The provisions of the DMS regulations, BDSA Order M-1A, and of any other BDSA regulations and orders as heretofore issued, including the directions and amendments thereto, are superseded to the extent to which they are inconsistent with the provisions of this direction. In all other respects the provisions of such regulations, orders, directions and amendments shall remain in full force and effect.

This direction shall take effect October 16, 1959.

> BUSINESS AND DEFENSE SERVICES ADMINISTRATION, H. B. McCoy, Administrator.

[F.R. Doc. 59-8821; Filed, Oct. 20, 1959; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Republication of Part

Part 311 of Title 36 is republished in its entirety. The provisions with respect to areas covered contained in § 311.1, and the provisions with respect to hunting in § 311.6(b) have been rearranged alphabetically by States. No substantive change is made by this republication.

Sec. 311.1

Areas covered.

Boats, commercial. 311.2 311.3

Boats and other vessels, private. Mooring; care and sanitation of boats and floating facilities. Swimming and bathing. 311.4

311.5

Hunting and fishing. 311.6

311.7 Camping.

311.8 311.9

Picnicking.
Access to water areas.

Destruction of public property. 311.10

311.11 Firearms and explosives. 311.12 Gasoline and oil storage.

311.13 Sanitation.

311.14 Advertisements.

Unauthorized solicitations and busi-311.15 ness activities.

Commercial operations. 311.16

311.17 Dogs. 311.18 Recreational activity programs. 311.19 Abandonment of personal property.

AUTHORITY: §§ 311.1 to 311.19 issued under

sec. 4, 58 Stat. 889, as amended; 16 U.S. C.

§ 311.1 Areas covered.

The regulations contained in this part shall be applicable to:

Blakely Mountain Reservoir Area (Lake Ouachita), Ouachita River. Blue Mountain Reservoir Area, Petit Jean

Bull Shoals Reservoir Area, White River. Narrows Reservoir Area, Little Missouri River.

endar quarter of 1959 over unrated or- Nimrod Reservoir Area, Fourche La Fave

Norfolk Reservoir Area, North Fork River. Table Rock Reservoir Area, White River.

California

Harry L. Englebright Reservoir Area, Yuba River.

Isabella Reservoir Area, Kern River. North Fork Reservoir Area, North Fork American River.

Pine Flat Reservoir Area, Kings River.

Colorado

Cherry Creek Reservoir Area, Cherry Creek. John Martin Reservoir Area, including Lake Hasty, Arkansas River.

Georgia

Allatoona Reservoir Area, Etowah River. Buford Reservoir Area (Lake Sidney Lanier), Chattahoochee River.

Clark Hill Reservoir Area, Savannah River.

Idaho

Lucky Peak Reservoir Area, Boise River.

Iowa

Coralville Reservoir Area, Iowa River.

Kansas

Fall River Reservoir Area, Fall River, Hulah Reservoir Area, Caney River. Kanopolis Reservoir Area, Smoky Hill River. Toronto Reservoir Area, Verdigris River.

Kentucky

Dale Hollow Reservoir Area, Obey River. Dewey Reservoir Area, Johns Creek. Creek Reservoir Area, Cumberland Wolf River.

Maryland

Youghiogheny River Reservoir Area, Youghiogheny River.

Mississippi

Arkabutla Reservoir Area, Coldwater River. Enid Reservoir Area, Yocona River. Grenada Reservoir Area, Yalobusha and

Skuna Rivers. Sardis Reservoir Area, Little Tallahatchie River.

Missouri

Bull Shoals Reservoir Area, White River. Clearwater Reservoir Area, Black River. Norfolk Reservoir Area, North Fork River. Table Rock Reservoir Area, White River. Wappapello Reservoir Area, St. Francis River.

Montana

Fort Peck Reservoir Area, Missouri River.

Gavins Point Reservoir Area (Lewis and Clark Lake), Missouri River. Harlan County Reservoir Area, Republican River.

North Carolina

John H. Kerr Reservoir Area, Roanoke River. -North Dakota

Baldhill Dam and Lake Ashtabula, Sheyenne

Garrison Reservoir Area, Missouri River. Homme Reservoir Area, Park River.

Berlin Reservoir Area, Mahoning River. Dillon Reservoir Area, Licking River.

Canton Reservoir Area, North Canadian River.

Fort Gibson Reservoir Area, Grand (Neosho)

Fort Supply Reservoir Area, Wolf Creek. Heyburn Reservoir Area, Polecat Creek.

Hulah Reservoir Area, Caney River. Lake Texoma and the Denison Reservoir Area, Red River.

Tenkiller Ferry Reservoir Area, Illinois River.

Wister Reservoir Area, Poteau River.

Oregon

Cottage Grove Reservoir Area, Coast Fork of Willamette River.

Dexter Reservoir Area, Middle Fork Willamette River.

Dorena Reservoir Area, Row River,

Fern Ridge Reservoir Area, Long Tom River. Lookout Point Reservoir Area, Middle Fork Willamette River.

Pennsulvania

Conemaugh River Reservoir Area, Conemaugh River.

Crooked Creek Reservoir Area, Crooked Creek. Loyalhanna Reservoir Area, Loyalhanna Creek.

Mahoning Creek Reservoir Area, Mahoning Creek.

Tionesta Reservoir Area, Tionesta Creek. Youghiogheny River Reservoir Area, Youghiogheny River.

South Carolina

Clark Hill Reservoir Area, Savannah River.

South Dakota

Fort Randall Reservoir Area, Missouri River. Gavins Point Reservoir Area (Lewis and Clark Lake), Missouri River.

Center Hill Reservoir Area, Caney Fork River. Dale Hollow Reservoir Area, Obey River.

Belton Reservoir Area, Leon River. Benbrook Reservoir Area, Clear Fork of the Trinity River.

Dam B Reservoir Area, Neches River.

Ferrells Bridge Reservoir Area, Cypress Creek. Garza-Little Elm (Lewisville) Reservoir Area, Elm Fork, Trinity River. Grapevine Reservoir Area, Denton Creek.

Hords Creek Reservoir Area, Hords Creek. Lake Texoma and the Denison Reservoir Area, Red River.

Lavon Reservoir Area, East Fork Trinity River.

San Angelo Reservoir Area, North Concho River.

Texarkana Reservoir Area, Sulphur River. Whitney Reservoir Area, Brazos River.

Virginia

Bluestone Reservoir Area, New River. John H. Kerr Reservoir Area, Roanoke River. Philpott Reservoir Area, Smith River.

West Virginia

Bluestone Reservoir Area, New River.

§ 311.2 Boats, commercial.

No boat, barge or other vessel shall be placed upon or operated upon any water of the reservoir for a fee or profit, either as a direct charge to a second party or as an incident to other services provided to the second party, except as specifically authorized by lease, license, or concession contract with the Department of the Army.

§ 311.3 Boats and other vessels, private.

(a) The operation of boats, houseboats, cabin cruisers and other vessels on the reservoir for fishing and recreational use is permitted except in prohibited areas designated by the District Engineer in charge of the reservoir area

and subject to the regulations contained in this part.

- (b) A permit shall be obtained from the District Engineer or his authorized representative for placing and operating a boat or other vessel on the reservoir for any one period longer than three days. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.
- (c) Uncafe boats or other vessels will not be permitted on the reservoir. The District Engineer may require the applicant for a permit to furnish the construction plans and other information pertaining to the construction and equipment of the boat or other vessel prior to issuing a permit for its operation on the reservoir. All boats permitted on the reservoir shall be equipped for safe operation and operated in a safe manner in accordance with instructions issued by the District Engineer. These instructions may provide that the operation of speed boats and water skiing activities shall be confined to areas of water designated by the District Engineer for such activities.
- (d) Boathouses, houseboats, cabin cruisers and other vessels may be placed and operated on the reservoirs, except that such facility shall not be utilized for human habitation at a fixed or permanent mooring point and if equipped with toilets and galleys shall not be placed on reservoirs with small permanent pools. Such vessels may be barred from other reservoirs by the District Engineer with the concurrence of the Chief of Engineers in those reservoirs in which the waters thereof are used for domestic water supply when the District Engineer determines that such use is contrary to the public health and safety.

§ 311.4 Mooring, care and sanitation of boats and floating facilities.

- (a) All boats or other vessels when not in actual use must be either removed from the reservoir, securely moored at authorized docks or boathouses where supervision by the owner or his representative is provided on a 24-hour-day basis, or placed in the care of a marina concessionaire, State or local managing agency or other party authorized to care for floating equipment on a 24-hour-day basis.
- (b) All boats, barges and other vessels or floating facilities will be moored only in locations designated by the District Engineer or his designated representative. All floating or stationary mooring facilities will be constructed in accordance with plans and a permit approved by the District Engineer or his designated representative. He shall have authority to revoke such permit and require removal of the facility for failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

(c) The discharge of sewage, garbage or other pollutant in the waters of the reservoir from any boat, barge or other vessel on the reservoir is prohibited except in accordance with regulations of the State and local health agencies permitting such discharge when underway in deep waters other than embayments. All such pollutants shall be deposited ashore at places designated for such deposit and disposal.

§ 311.5 Swimming and bathing.

Swimming and bathing are permitted except in prohibited areas designated by the District Engineer.

§ 311.6 Hunting and fishing.

(a) Hunting and fishing are permitted in accordance with all applicable Federal, State and local laws for the protection of fish and game except in prohibited areas including the following:

(1) Public access, park and recreation areas in which all hunting is prohibited.

(2) Prohibited areas designated by the District Engineer in which hunting or fishing or both are prohibited.

(3) Prohibited areas designated by Federal or State managing agencies under applicable laws administered by such agencies.

(b) Hunting is restricted to the use of bow and arrow or shotgun loaded with shot in any reservoir area listed in § 311.1 except in managed game areas where the special hunting regulations of the managing agency with the prior approval of the District Engineer will apply, and except for the following reservoir areas on which hunting of deer with rifles is also permitted when not contrary to State or local laws or regulations.

Arkansas

Bull Shoals Reservoir Area, White River. Table Rock Reservoir Area, White River.

California

Harry L. Englebright Reservoir Area, Yuba River.

North Fork Reservoir Area, North Fork American River.
Pine Flat Reservoir Area, Kings River.

Missouri

Bull Shoals Reservoir Area, White River. Clearwater Reservoir Area, Black River. Table Rock Reservoir Area, White River. Wappapello Reservoir Area, St. Francis River.

Montana

Fort Peck Reservoir Area, Missouri River.

Nebraska

Gavins Point Reservoir Area (Lewis and Clark Lake), Missouri River.

North Dakota

Garrison Reservoir Area, Missouri River.

Pennsylvania

Conemaugh River Reservoir Area, Conemaugh River.

Crooked Creek Reservoir Area, Crooked Creek.

Loyalhanna Reservoir Area, Loyalhanna Creek.

Mahoning Creek Reservoir Area, Mahoning Creek.

Tionesta Reservoir Area, Tionesta Creek. Youghiogheny River Reservoir Area, Youghiogheny River.

South Dakota

Fort Randall Reservoir Area, Missouri River.

Gavins Point Reservoir Area (Lewis and Clark Lake), Missouri River.

(c) A permit shall be obtained from the District Engineer or his authorized representative to construct a duck blind on the water in any reservoir area listed in § 311.1 except for the Wappapello Reservoir Area, St. Francis River, Missouri, on which duck blinds may be permitted or prohibited in accordance with regulations of the Missouri Conservation Commission relative to duck hunting.

§ 311.7 Camping.

(a) Camping is permitted only at areas designated by the District Engineer in charge of the reservoir area or his authorized representative.

(b) Approval of the District Engineer, or his authorized representative, is required to camp in the reservoir area for any one period of two weeks or longer.

(c) Camping equipment shall not be abandoned or left unattended for 48 hours or more.

(d) The installation of any permanent facility at any public camp ground is permitted only on written authorization of the District Engineer or his authorized representative.

(e) Campers shall keep their camp grounds clean and dispose of combustibles and refuse in accordance with instructions posted by the District Engineer at each camp ground.

(f) Due diligence shall be exercised in building and putting out camp fires to prevent damages to trees and vegetation and to prevent forest and grass fires.

(g) Camps must be completely razed and the sites cleaned before the departure of the campers.

§ 311.8 Picnicking.

(a) Picnicking is permitted, except in prohibited areas designated by the District Engineer or his authorized representative, in any reservoir area listed in \$311.1 except for the following reservoir areas in which picnicking is prohibited in all areas not specifically designated by the District Engineer for picnicking:

Fort Peck Reservoir Area, Missouri River, Montana.

§ 311.9 Access to water areas.

(a) Pedestrian access is permitted along the shores of the reservoir except in areas designated by the District Engineer or his authorized representative.

(b) Automobile access is permitted only over open public and reservoir roads.

(c) Access for the general public to launch boats is permitted only at the public launching sites designated by the District Engineer.

§ 311.10 Destruction of public property.

The destruction, injury, defacement, or removal of public property or of vegetation, rock, or minerals, except as authorized, is prohibited.

§ 311.11 Firearms and explosives.

Loaded rifles, loaded shotguns, loaded pistols and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement of-

ficer or Government employee on official duty, when shotguns or rifles are being used for hunting during the hunting season as permitted under § 311.6 and when specifically authorized by the District Engineer.

§ 311.12 Gasoline and oil storage.

Gasoline and other inflammable or combustible liquids shall not be stored in. upon, or about the reservoir or shores thereof without the written permission of the District Engineer or his authorized representative.

§ 311.13 Sanitation.

Refuse, garbage, rubbish or waste of any kind shall not be thrown on or along roads, picnicking or camping areas, in the reservoir waters or on any of the lands around the reservoir, but shall be burned or buried, or disposed of at designated points or places designed for the sanitary disposal thereof.

§ 311.14 Advertisements.

Private notices and advertisements shall not be posted, distributed, or displayed in the reservoir area except such as the District Engineer or his authorized representative may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

§ 311.15 Unauthorized solicitations and business activities.

No person, firm, or corporation, or their representatives shall engage in or solicit any business on the reservoir area without permission in writing from the District Engineer or in accordance with terms of a lease, license, or concession contract with the Department of the Army.

§ 311.16 Commercial operations.

All commercial operations or activities on the waters of the reservoir or on the lands under the control of the Department of the Army around the reservoir shall be in accordance with lease, license, or other agreements with the Department of the Army.

§ 311.17 Dogs.

(a). Dogs are not permitted in any of the following reservoir areas unless on a leash, in a pen, or under complete control of the owner or manager.

(1) Fort Peck Reservoir Area, Missouri River, Montana.

§ 311.18 Recreational activity programs.

(a) Special events such as water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreational programs of interest to the general public are permitted in areas designated by the District Engineer or his authorized representative.

(b) A permit shall be obtained from the District Engineer or his authorized representative by the governmental or legally responsible private agency proposing to hold a special recreation program as indicated in this section. No charge will be made for this permit.

(c) The District Engineer in charge of the area shall have authority to revoke any permit granted under this section and to require the removal of any equipment upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

§ 311.19 Abandonment of personal property.

Abandonment of personal property on the land or waters of the reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the reservoir area except in accordance with the regulations prescribed in this part or under permits issued therefor. The Government assumes no responsibility for personal property and if such property is abandoned or left unattended in other than places designated in a permit issued therefor or under a regulation for a period in excess of 48 hours it will be impounded, and if not reclaimed by the owners thereof within ninety days will be sold, destroyed, converted to Government use, or otherwise disposed of as determined by the District Engineer or his designated representative.

> Major General, U.S. Army The Adjutant General.

[F.R. Doc. 59-8822, Filed; Oct. 20, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I-Bureau of Land Management, Department of the Interior

APPENDIX-PUBLIC LAND ORDERS

[Public Land Order 2009]

[Los Angeles 0154865]

CALIFORNIA

Partly Vacating Reclamation Withdrawals (Imperial Division—All **American Canal System)**

By virtue of the authority vested in the Secretary of the Interior by sec. 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental orders of January 31, 1903, and April 9, 1909, so far as they reserved the following-described lands for reclamation purposes under the act of June 17, 1902, are hereby revoked:

SAN BERNARDINO MERIDIAN

T. 16 S., R. 16 E., Sec. 1, lots 4, 5, and 6.

Containing 74.47 acres.

Beginning at 10:00 a.m. on November 20, 1959, the lands will be subject to application, petition, location, offer or selection under the public land laws, including the mining laws. This revocation is made in furtherance of a proposed exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, in aid of a Federal land program. This opening is not therefore, subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-2), affording to certain States a preferred right of application for selection upon the revocation of an order of withdrawal.

> ROGER ERNST, Assistant Secretary of the Interior.

OCTOBER 15, 1959.

[F.R. Doc. 59-8837; Filed, Oct. 20, 1959; 8:47 a.m.]

[Public Land Order 2010]

[1447566]

[1449402]

ALASKA

Revoking Executive Orders No. 5813 of February 29, 1932, and No. 5815 of March 9, 1932

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 5813 of February 29, 1932, and No. 5815 of March 9, 1932, which withdrew the followingdescribed lands in Alaska for examination and classification are hereby revoked:

SEWARD MERIDIAN

Executive Order No. 5813:

T. 18 N., R. 2 E., Secs. 5 and 6.

T. 19 N. R. 2 E.

Secs. 31 and 32.

Executive Order No. 5815: T. 18 N., R. 1 E.,

Secs. 1 and 12.

T. 18 N. R. 2 E. Secs. 3, 4, 7, 8, and 9.

T. 19 N., R. 1 E.,

Secs. 25 and 36.

T. 19 N., R. 2 E. Secs. 28, 29, 30, and 33.

The areas described aggregate 10,880

acres, of which about 2,640 acres are nonpublic lands.

2. Beginning at 10:00 a.m., on November 20, 1959, the public lands, excepting section 36, shall be open to application, petition, location and selection under applicable nonmineral public land laws, subject to valid existing rights, the requirements of applicable law, the provisions of existing withdrawals, the 91-day preferred right of selection granted to the State of Alaska by section 202(b) of the Act of July 28, 1956 (70 Stat. 709. 711; 48 U.S.C. 46-3(b)), in furtherance of its mental health program, and section 6(g) of the Alaska Statehood Act of July 7, 1958 (Public Law 85-508; 72 Stat. 341).

3. On January 3, 1959, when the State was admitted into the Union, the reservation of the Section 36 for the Territory of Alaska made by section 1 of the act of March 4, 1915 (38 Stat. 1214; 48 U.S.C. 353), was in effect. The reservation was not affected by the withdrawal for classification made by the Executive Order No. 5815 (see Ex parte E. P. Weaver, 52 L.D. 237; George G. Frandsen, 50 L.D. 516). Therefore, in the absence of any valid right to the section existing on January 3, 1959, title thereto vested in the State on that date under the grant made by

section 6(k) of the Statehood Act. Consequently, the section is excepted from the lands opened by this order.

- 4. The lands in Matanuska Valley have been reported to be prospectively valuable for coal, oil, or gas, and those outside of the Valley have been reported to be prospectively valuable for coal. Therefore, any disposition of the lands shall be subject to the requirements of the act of March 3, 1922 (42 Stat. 415; 48 U.S.C. 376, 377), as amended, excepting selections made by the State under the act of July 28, 1956 (70 Stat. 709; 711; 48 U.S.C. 46-3(b)), and under the act of July 7, 1958 (Public Law 85-508; 72 Stat. 341), which are applicable to minerallands.
- 5. The lands have been open to applications and offers under the mineralleasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m., on February 19, 1960.
- 6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST. Assistant Secretary of the Interior.

OCTOBER 15, 1959.

[F.R. Doc. 59-8838; Filed, Oct. 20, 1959; 8:47 a.m.]

[Public Land Order 2011] [Anchorage 042044]

ALASKA

Correcting Public Land Order No. 1861 of May 26, 1959

In Federal Register Document 59-4558, appearing as Public Land Order No. 1861, at page 4488 of the issue of June 2, 1959, the land descriptions of the areas withdrawn are corrected to read as follows:

KING SALMON AREA

Parcel 1

From USC and GS monument B6 being on the center line of NS Runway Station 0+36.5 go S. 3°25' E., 1,147.05 feet to a point which is identical with the NE corner of the reserve created for the U.S. Fish and Wildlife Service by Public Land Order No. 309 of January 5, 1946; thence S. 27°00' W., on the easterly boundary of said reserve 400 feet to the point of beginning, thence

S. 63° E., 450 feet; S. 27° W., 450 feet;

N. 63° W., 450 feet to the easterly line of said withdrawal;

N. 27° E., on said easterly line 450 feet to the point of beginning, provided there shall be reserved therefrom an easement 20 feet in width for an existing road along the westerly boundary of the said described land.

The tract described contains 4.65 acres.

Parcel 2

.From USC and GS monument B6, being on the center line of NS Runway Station 0+36.5, go S. 3°25' E., 1,147.05 feet to a point which is identical with the NE corner of the reserve created for the U.S. Fish and Wildlife Service by Public Land Order No. 309 of January 5, 1946; thence

Naknek River;
N. 58°53' W., 250.80 feet along the right bank of Naknek River;

N. 27° E., 1,173.30 feet; S. 63°00' E., 250.00 feet to the point of beginning.

The tract described contains 6.78 acres.

ROGER ERNST.

Assistant Secretary of the Interior.

OCTOBER 15, 1959.

[F.R. Doc. 59-8839; Filed, Oct. 20, 1959; 8:47 a.m.]

> [Public Land Order 1988] [Misc. 1725115]

ALABAMA

Modifying the Boundaries of the Wheeler National Wildlife Refuge

Correction

In F.R. Doc. 59-8049, appearing at page 7787 of the issue of Saturday, Sept. 26, 1959: In the 11th paragraph of description following the introductory text of Item 2.e., that portion immediately preceding the semicolon, now reading "SF1/4SE1/4NW1/4", should read "SW1/4" SE¼NW¼".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [7 CFR Part 53]

OFFICIAL UNITED STATES STAND-ARDS FOR LAMB, YEARLING MUTTON, AND MUTTON CAR-**CASSES**

Notice of Proposed Rule Making

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture, under the provisions of sections 203 and 205 of the Agricultural Marketing Act, as amended (7 U.S.C. 1622 and 1624), is considering amending the official standards for lamb, yearling mutton, and mutton carcasses (7 CFR 53.114 et seq.).

The changes proposed would make modifications in the present minimum requirements for the Prime and Choice grades. The modifications would increase the importance of conformation, and external finish, and reduce the emphasis that is placed on internal factors considered in evaluating quality. This proposal would also have the effect of lowering average fatness for Prime and Choice grades.

Changes which would affect the present interpretation of the standards for the Prime and Choice grades of lamb carcasses are as follows: (a) The conformation requirements would be relaxed by about one-half grade in each of these grades; (b) a minimum degree of external fat covering would be prescribed for each of these grades; and (c) the quality requirements—the emphasis placed on maturity and the requirements for feathering between the ribs, fat streaking within and upon the inside flank muscles, and firmness of fat and lean-also would be substantially relaxed. The relaxation of these quality factors would vary from about one-half grade in each of these two grades for carcasses from very young lambs to about a full grade in Prime and about twothirds of a grade in Choice for lamb carcasses whose characteristics indicate that they have reached maximum maturity for lambs. In addition, for all grades, it would be prescribed that carcasses which have a superior development of quality for a grade would not be eligible for that grade if their conformation was more than one full grade deficient for that grade. Corresponding changes also would be made in the standards for yearling mutton and mutton.

Changes modifying the emphasis placed on factors used in evaluating the quality aspects of carcass grade would be made in § 53.115 Application of standards. These would eliminate consideration of overflow fat, reduce the emphasis placed on feathering between the ribs,

and increase the emphasis placed on firmness of fat and lean.

These changes are being proposed as a result of the many recommendations received to this effect during a recent period when the Department was considering the suspension of Federal grading for ovine carcasses.

It is proposed to amend the standards for lamb, yearling mutton, and mutton carcasses to read as follows:

LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

§ 53.114 Differentiation between lamb, yearling mutton and mutton car-

Differentiation between lamb, yearling mutton, and mutton carcasses is made on the basis of differences that occur in the development of their muscular and skeletal, systems. Typical lamb carcasses tend to have slightly wide and moderately flat rib bones and a light red color and fine texture of lean. To be classed as lamb, a carcass must have break joints on both its front shanks. By contrast, typical yearling mutton carcasses have moderately wide rib bones which tend to be flat and a slightly dark red color and slightly coarse texture of lean. Yearling mutton carcasses may have either break joints or "spool" joints on their front shanks. Typical mutton carcasses have wide, flat rib bones and a dark red color and coarse

texture of lean. They always have spool joints on their front shanks. Regardless of their other characteristics, carcasses from which the front shanks have been removed will be assumed to have had "spool" joints and will be classed as yearling mutton or mutton on the basis of their other characteristics. In determining the maturity class of ovine carcasses, more consideration is given to the characteristics of the flesh than is given to the characteristics of the skeleton.

§ 53.115 Application of standards.

(a) Lamb, yearling mutton, and mutton carcasses are graded on a composite evaluation of two general grade factors—conformation and quality. These factors are concerned with the proportions of the various wholesale cuts and the proportions of meat and bone in the carcass and the quality of the lean, respectively.

(b) Conformation is the manner of formation of the carcass with particular reference to the relative development of the muscular and skeletal systems, although it is also influenced, to some extent, by the quantity and distribution of external finish. The conformation of a carcass is evaluated by averaging the conformation of its various component parts, giving consideration not only to the proportion that each cut is of the carcass weight but also to the general desirability of each cut as compared with other cuts. Best conformation implies a high proportion of edible meat to bone and a high proportion of the weight of the carcass in the more demanded cuts and is reflected in carcasses which are very wide and thick in relation to their length and which have a very plump and full and well-rounded appearance. Inferior conformation implies a low proportion of edible meat to bone and a low proportion of the weight of the carcass in the more demanded cuts and is reflected in carcasses which are very narrow in relation to their length and which have a very angular and thin and sunken appearance. External fat in excess of that normally left on retail cuts is not considered in evaluating conformation.

(c) Quality of the lean flesh is best evaluated from consideration of its texture, firmness, and marbling, as observed in a cut surface, in relation to the apparent maturity of the animal from which the carcass was produced. However, in grading carcasses direct observation of these characteristics is not possible. Therefore, the quality of the lean is evaluated indirectly by giving equal consideration to (1) the quantity of fat intermingled within the lean between the ribs called "feathering," (2) the streaking of fat within and upon the inside flank muscles; and (3) the firmness of the fat and lean—all in relation to the apparent evidence of maturity.

(d) The lamb standards are intended to cover the full range of maturity within which lambs are marketed. The standards for Prime, Choice, and Good grades of lamb specify two general levels of development of the quality-indicating characteristics described in this section.

dependent upon the apparent evidences of maturity attained by the lamb at the time of slaughter. The standards for Utility and Cull grades of lamb and for each grade of yearling mutton and mutton specify only one general level of development of the quality-indicating characteristics described, and these characteristics apply only to carcasses which are typical in maturity for their class. In order to qualify for a specific grade, yearling mutton or mutton carcasses with evidences of more advanced maturity than typical for their class are required to have a slightly greater development of these characteristics than described. Conversely, such carcasses with evidences of less maturity than typical for their class may qualify for a given grade with a slightly lesser development of these characteristics.

(e) Carcasses qualifying for any particular grade may vary with respect to the relative development of the various characteristics that contribute to their conformation and quality, and there will be carcasses which qualify for a particular grade in which the development of some of these individual grade factors will be typical of other grades. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses which have a relatively similar development of individual conformation and quality factors and which are also representative of the lower limit of each grade. However, examples of the extent to which superiority in quality may compensate for deficiencies in conformation, and vice versa, are indicated for each grade. In the Prime and Choice grades certain minimum requirements for external fat covering are also indicated.

(f) The standards are intended to apply to all ovine carcasses without regard to the apparent sex condition of the animal at time of slaughter. However, carcasses which have thick, heavy necks and shoulders typical of uncastrated males are discounted in grade in accord with the extent to which these characteristics are developed. Such discounts may vary from less than one-half grade in carcasses from young lambs in which such characteristics are barely noticeable to as much as two full grades in carcasses from mature rams in which such characteristics are very pronounced.

(g) The standards for lamb, yearling mutton, and mutton carcasses contained in this subpart together provide for grading carcasses within the full range of maturity of the ovine species. Although the grade standards for this full range of maturity are contained in three separate standards, it is the intent that the three standards be considered as a continuous series. Therefore, in determining the grade of a carcass which has a degree of maturity that is not typical of that specified in one of the three standards, it is necessary to interpolate between the standard for the kind of carcass (lamb, yearling mutton, or mutton) being graded and the standard for the kind of carcass which is most closely adjacent to it in maturity.

§ 53.116 Specifications for official United States standards for grades of lamb carcasses.

(a) Prime. (1) Lamb carcasses possessing minimum qualifications for the Prime grade are moderately wide and thick in relation to their length and have moderately plump and full legs; moderately wide and thick backs; and moderately thick and full shoulders.

(2) Requirements for quantities of interior fats and for firmness of lean and fat vary with changes in maturity. Carcasses from young lambs have moderately narrow, slightly flat rib bones; moderately red and moist and porous break joints; and a slightly dark pink color of inside flank muscles. Such carcasses have a modest amount of feathering between the ribs and a small quantity of fat streaking within and upon the inside flank muscles. Also, their lean flesh and exterior finish tend to be firm, and their flanks tend to be moderately full and firm.

(3) Carcasses from more mature lambs have slightly wide, moderately flat rib bones; slightly red but slightly dry and hard break joints; and a light red color of inside flank muscles. Such carcasses have a moderate amount of feathering between the ribs and a modest amount of fat streaking within and upon the inside flank muscles. Also, their lean flesh and external finish are firm, and their flanks are moderately full and firm.

(4) Regardless of the extent to which other grade factors may exceed the minimum requirements for Prime, to be eligible for Prime a carcass must have at least a very thin covering of external fat over the top of the shoulders and the outsides of the upper parts of the legs, and the back must have at least a thin covering of fat, that is, the muscles of the back may be no more then plainly visible through the fat. In addition, a carcass must have a composite development of quality-indicating factors equivalent to that specified as minimum for Prime to be eligible for that grade. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Prime as indicated in the following example: A carcass which has evidence of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime. However, in no instance may a carcass be graded Prime which has a development of conformation inferior to that specified as minimum for the Choice grade.

(b) Choice. (1) Lamb carcasses possessing minimum qualifications for the Choice grade tend to be slightly wide and thick in relation to their length and tend to have slightly plump and full legs; slightly wide and thick backs; and slightly thick and full shoulders.

(2) Requirements for quantities of interior fats and for firmness of lean and fat vary with changes in maturity. Carcasses from young lambs have moderately narrow, slightly flat rib bones; moderately red and moist and porous

break joints; and a moderately dark pink color of inside flank muscles. Such carcasses have a slight amount of feathering between the ribs and traces of fat streaking within and upon the inside flank muscles. Also, their lean flesh and exterior finish tend to be moderately firm, and their flanks tend to be slightly full and firm.

(3) Carcasses from more mature lambs have slightly wide, moderately flat rib bones; slightly red but slightly dry and hard break joints; and a moderately light red color of inside flank muscles. Such carcasses have a small amount of feathering between the ribs and a slight amount of fat streaking within and upon the inside flank muscles. Also, their lean flosh and external finish are moderately firm, and their flanks are slightly full and firm.

(4) Regardless of the extent to which other grade factors may exceed the minimum requirements for Choice, to be eligible for Choice a carcass must have at least a very thin covering of external fat over the top of the shoulders and the outsides of the upper parts of the legs. and the back must have at least a thin covering of fat, that is, the muscles of of the back may be no more than plainly visible through the fat.

(5) A careass which has conformation equivalent to at least the mid-point of the Choice grade may have evidence of quality equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Choice as indicated in the following example: A carcass which has evidence of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice. However, in no instance may a carcass be graded Choice which has a development of conformation inferior to that specified as minimum for the Good grade.

(c) Good. (1) Lamb carcasses possessing minimum qualifications for the Good grade are moderately narrow in relation to their length and have slightly thin, tapering legs, and slightly narrow and thin backs and shoulders.

(2) Requirements for quantities of interior fats and for firmness of lean and fat vary with changes in maturity. Carcasses from young lambs have moderately narrow, slightly flat rib bones; moderately red and moist and porous break joints; and a dark pink color of inside flank muscles. Such carcasses have traces of feathering between the ribs but practically no fat streaking within and upon the inside flank muscles. Also, their lean flesh and exterior finish are slightly firm, and their flanks are slightly thin and soft.

(3) Carcasses from more mature lambs have slightly wide, moderately flat rib bones; slightly red but slightly dry and hard break joints; and a slightly dark red color of inside flank muscles. Such carcasses have a slight amount of feathering between the ribs and traces of fat streaking within and upon the inside flank muscles. Also, their lean flesh and external finish tend to be moderately firm, and their flanks tend to be slightly full and firm.

(4) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper one-third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate for a development of conformation which is inferior to that specified as minimum for Good on the basis of one-half grade of superior quality for one-third grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper one-third of the Utility grade and remain eligible for Good. However, in no instance may a carcass be graded Good which has a development of conformation inferior to that specified as minimum for the Utility grade.

(d) Utility. (1) Lamb carcasses possessing minimum qualifications for the Utility grade are very angular and very narrow in relation to their length and have thin, slightly concave legs; very narrow and sunken backs; and narrow, sharp shoulders. Hips and shoulder joints are plainly visible.

(2) Although evidences of quality vary slightly with changes in maturity the differences are so small as to make their separate descriptions impractical. There is practically no feathering between the ribs and no fat streaking in the inside flank muscles. The lean in the inside flank muscles and between the ribs is dark red in color. Their lean flesh and external finish are soft, and the franks are soft and slightly watery.

(3) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper one-third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate for a development of conformation which is inferior to that specified as minimum for Utility on the basis of one-half grade of superior quality for one-third grade of deficient conformation as indicated in the following example: A carcass which has evidence of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum and remain eligible for Utility.

(e) Cull. Typical Cull grade lamb carcasses are extremely angular, extremely narrow in relation to their length, and extremely thin-fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, and shoulders are very thin and sharp. Hips and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined, and the

flesh is soft and watery and a very dark red in color.

§ 53.117 Specifications for official United States standards for grades of yearling mutton carcasses.

(a) Prime. (1) Yearling mutton carcasses possessing minimum qualifications for the Prime grade are moderately wide and thick in relation to their length and have moderately plump and full legs; moderately wide and thick backs; and moderately thick and full shoulders. They have slightly abundant feathering between the ribs, a moderate amount of fat streaking within and upon the inside flank muscles, and a slightly dark red color of inside flank muscles. Also, their lean fiesh and external finish tend to be very firm, and their flanks tend to be full and firm.

(2) Regardless of the extent to which other grade factors may exceed the minimum-requirements for Prime, to be eligible for Prime a carcass must have at least a very thin covering of external fat over the top of the shoulders and the outsides of the upper parts of the legs, and the back must have at least a thin covering of fat, that is, the muscles of the back may be no more than plainly visible through the fat. In addition, a carcass must have a composite development of quality-indicating factors equivalent to that specified as minimum for Prime to be eligible for that grade: However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Prime as indicated in the following example: A carcass which has evidence of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime. However, in no instance may a carcass be graded Prime which has a development of conformation inferior to that specified as minimum for the Choice grade.

(3) Yearling mutton carcasses which are otherwise eligible for the Prime grade but which have excessive quantities of combined external and kidney and pelvic fat are not eligible for Prime.

(b) Choice. (1) Yearling mutton carcasses possessing minimum qualifications for the Choice grade tend to be slightly wide and thick in relation to their length and tend to have slightly plump and full legs; slightly wide and thick backs; and slightly thick and full shoulders. They have a modest amount of feathering between the ribs, a small amount of fat streaking within and upon the inside fiank muscles, and a color of for the upper one-third of the Cull grade inside flank muscles which tends to be moderately dark red. Also, their lean flesh and external finish tend to be firm, and their flanks tend to be moderately full and firm.

(2) Regardless of the extent to which other grade factors may exceed the minimum requirements for Choice, to be eligible for Choice a carcass must have at least a very thin covering of external fat over the top of the shoulders and the outsides of the upper parts of the legs, and the back must have at least a thin covering of fat, that is, the muscles of the back may be no more than plainly visible through the fat.

(3) A carcass which has conformation equivalent to at least the mid-point of the Choice grade may have evidence of quality equivalent to the minimum of the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Choice as indicated in the following example: A carcass which has evidence of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice. However, in no instance may a carcass be graded Choice which has a development of conformation inferior to that specified as minimum for the Good; grade.

(4) Yearling mutton carcasses which are otherwise eligible for the Prime grade but which have excessive quantities of combined external and kidney and pelvic fat are included in the Choice grade.

(c) Good. (1) Yearling mutton carcasses possessing minimum qualifications for the Good grade are moderately narrow in relation to their length and have slightly thin, tapering legs, and slightly narrow and thin backs and shoulders. They have a small amount of feathering between the ribs, a slight amount of fat streaking within and upon the inside flank muscles, and a moderately dark red color of inside flank muscles. Also, their lean flesh and external finish are moderately firm, and their flanks are slightly full and firm,

(2) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper one-third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate for a development of conformation which is inferior to that specified as minimum for Good on the basis of one-half grade of superior quality for one-third grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper one-third of the Utility grade and remain eligible for Good. However, in no instance may a carcass be graded Good which has a development of conformation inferior to that specified as minimum for the Utility. grade.

(d) Utility. (1) Yearling mutton carcasses possessing minimum qualifications for the Utility grade are very angular and very narrow in relation to their length and have thin, slightly concave legs; very narrow and sunken backs: and narrow, sharp shoulders. Hips and shoulder joints are plainly visible. They

the ribs, no fat streaking in the inside flank muscles, and a dark red color of inside flank muscles. Their lean flesh and external finish are moderately soft, and the flanks are soft and slightly

watery.

(2) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper one-third for the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate for a development of conformation which is inferior to that specified as minimum for Utility on the basis of one-half grade of superior quality for one-third grade of deficient conformation as indicated in the following example: A carcass which has evidence of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper one-third of the Cull grade and remain eligible for Utility.

(e) Cull. Typical Cull grade yearling mutton carcasses are extremely angular, extremely narrow in relation to 'their length, and extremely thin-fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, and shoulders are very thin and sharp. Hips and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined, and the flesh is soft and watery and a very dark red in color.

§ 53.118 Specifications for official United States standards for grades of mutton carcasses.

(a) Choice. (1) Mutton carcasses possessing minimum qualifications for the Choice grade tend to be slightly wide and thick in relation to their length and tend to have slightly plump and full legs; slightly wide and thick backs; and slightly thick and full shoulders. They have a moderate amount of feathering between the ribs, a modest amount of fat streaking within and upon the inside flank muscles, and a dark red color of inside flank muscles. Also, their lean flesh and external finish tend to be firm, and their flanks tend to be moderately full and firm.

(2) Regardless of the extent to which other grade factors may exceed the minimum requirements for Choice, to be eligible for Choice a carcass must have at least a very thin covering of external fat over the top of the shoulders and the outsides of the upper parts of the legs, and the back must have at least a thin covering of fat, that is, the muscles of the back may be no more than plainly visible through the fat.

(3) A carcass which has conformation equivalent to at least the mid-point of the Choice grade may have evidence of quality equivalent to the minimum of the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis, for a development of con-formation which is inferior to that specified as minimum for Choice as indihave practically no feathering between cated in the following example: A car- Utility grade may compensate for a de-,

cass which has evidence of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice. However, in no instance may a carcass be graded Choice which has a development of conformation inferior to that specified as minimum for the Good grade.

(4) Mutton carcasses which are otherwise eligible for the Choice grade but which have excessive quantities of combined external and kidney and pelvic

fat are not eligible for Choice.

(b) Good. (1) Mutton carcasses possessing minimum qualifications for the Good grade are moderately narrow in relation to their length and have slightly thin, tapering legs, and slightly narrow and thin backs and shoulders. They have a modest amount of feathering between the ribs, a slight amount of fat streaking within and upon the inside flank muscles, and a dark red color of inside flank muscles. Also, their lean flesh and external finish are moderately firm, and their flanks are slightly full and firm.

(2) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper one-third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate for a development of conformation which is inferior to that specified as minimum for Good on the basis of one-half grade of superior quality for one-third grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper one-third of the Utility grade and remain eligible for Good. However, in no instance may a carcass be graded Good which has a development of conformation inferior to that specified as minimum for the Utility

(3) Mutton carcasses which are otherwise eligible for the Choice grade but which have excessive quantities of combined external and kidney and pelvic fat are included in the Good grade.

(c) Utility. (1) Mutton carcasses possessing minimum qualifications for the Utility grade are very angular and very narrow in relation to their length and have thin, slightly concave legs; very narrow and sunken backs; and narrow, sharp shoulders. Hips and shoulder joints are plainly visible. They have traces of feathering between the ribs but practically no fat streaking in the inside flank muscles, and a very dark red color of inside flank muscles. Their lean flesh and external finish are slightly soft, and the flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper one-third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior, to that specified as minimum for the

velopment of conformation which is inferior to that specified as minimum for Utility on the basis of one-half grade of superior quality for one-third grade of deficient conformation as indicated in the following example: A carcass which has evidence of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper one-third of the Cull grade and remain eligible for Utility.

(d) Cull. Typical Cull grade mutton carcasses are extremely angular, extremely narrow in relation to their thin-fleshed length, and extremely throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, and shoulders are very thin and sharp. Hips and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined, and the flesh is soft and watery and very dark red in color.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of October 1959.

> ROY W. LENNARTSON, Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 59-8860; Filed, Oct. 20, 1959; 8:51 a.m.1

DEPARTMENT OF HEALTH, EDU-CATION. AND WELFARE

Food and Drug Administration [21 CFR Part 9]

COLOR CERTIFICATION

Deletion of Certain Coal-Tar Colors Subject to Certification

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371(e)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), purposes to amend the color-certification regulations (24 F.R. 3851) by removing D&C Orange No. 3 and D&C Orange No. 4 from the list of colors certifiable for use in drugs and cosmetics.

Results of recent tests reveal that these colors are not harmless within the meaning of sections 504 and 604 of the Federal Food, Drug, and Cosmetic Act for other than external application. Groups of ten weanling rats, five males and five females, were fed diets containing D&C Orange No. 3 and D&C Orange No. 4 at levels of 0 percent, 0.25 percent, 0.5 percent, 1 percent, 2 percent, and 5 percent for 90 days with the following [F.R. Doc. 59-8859; Filed, Oct. 20, 1959; results:

D&C Orange No. 3. The spleens of the animals on 1 percent, 2 percent, and 5 percent levels were enlarged. Thirty percent of the animals on the 5 percent level died, and slight growth depression occurred in the remainder. All dosage levels produced abnormal red blood cells in some animals, and the 2 percent and 5 percent levels produced definite anemia

D&C Orange No. 4. The spleens at all levels were enlarged, and on the higher levels were ten to twelve times the size of the spleens of the controls. Forty percent of the animals on the 5 percent level died, and stunted growth occurred in the remainder. All dosage levels produced abnormal red blood cells in some animals, and the 1 percent, 2 percent, and 5 percent levels produced anemia.

The colors and their specifications proposed to be deleted are § 9.200 D&C Orange No. 3 and § 9.201 D&C Orange

It is proposed to add to Part 9 the following new sections:

§ 9.426 Ext D&C Orange No. 7.

Disodium salt of 1-phenylazo-2-naphthol-6.8-disulfonic acid.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 1.0 percent.

Ether extracts, not more than 0.5 per-

Aniline, not more than 0.2 percent. Chlorides and sulfates of sodium, not more than 8.0 percent.

Mixed oxides, not more than 1.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

§ 9.427 Ext D&C Orange No. 8.

Monosodium salt of 1-p-sulfonphenylazo-2-naphthol.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 1.0 percent.

Ether extracts, not more than 0.5 percent.

8-Naphthol, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 5.0 percent.

Mixed oxides, not more than 1.0 per-

Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

All interested persons are invited to present their views in writing regarding the proposals published herein. Views and comments should be submitted in quintuplicate addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 14, 1959.

GEO. P. LARRICK, [SEAL] Commissioner of Food and Drugs. 8:51 a.m.]

FEDERAL AVIATION AGENCY

114 CFR Part 600 I

[Airspace Docket No. 59-WA-180]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6616 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 1516 presently extends from San Francisco, Calif., to Washington, D.C. The Federal Aviation Agency has under consideration the modification of the segment of Victor 1516 between Ponca City, Okla., and Springfield, Mo. To provide more precise navigational guidance for this airway segment, it is proposed to realign Victor 1516 between Ponca City and Springfield via a VOR proposed to be installed approximately July 1, 1960, near Oswego, Kans., at latitude 39°09′27′′, longtitude 95°12′13′′′. The control areas associated with Victor 1516 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal con-tained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6616 (24 F.R. 703, 1285, 2230, 3227) as follows:

In the text of § 600.6616 VOR Federal airway No. 1516 (San Francisco, Calif., to Washington, D.C., delete "INT of the Ponca City VOR 076° and the Springfield VOR 261° radials;" and substitute

therefor, "Oswego, Kans., VOR; INT of the Oswego VOR 085° and Springfield VOR 261° radials;".

Issued in Washington, D.C., on October 14, 1959.

> GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8823; Filed, Oct. 20, 1959; 8:45 a.m.]

I 14 CFR Part 600 I

[Airspace Docket No. 59-WA-214]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6106 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 106 extends from Charleston, W. Va., to Kennebunk, Maine. The Morgantown, W. Va., VOR to the Johnstown, Pa., VOR segment of Victor 106 is designated via the Uniontown, Pa., VOR but does not have sufficient angular separation from VOR Federal airway No. 12 south alternate, at the Johnstown VOR.

The Federal Aviation Agency has under consideration modification of the segment of Victor 106 between Morgantown and Johnstown by realigning this segment via a VOR proposed to be installed approximately December 15, 1959, near Indian Head, Pa., at latitude 39°58'33", longitude 79°21'21". This modification would align this airway segment in a more direct route and would provide appropriate separation from Victor 12 south alternate at the Johnstown VOR. The control areas associated with Victor 106-are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is con-templated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1343, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6106 (24 F.R. 1283) as follows:

In the text of § 600.6106 VOR Federal airway No. 106 (Charleston, W. Va., to Kennebunk, Me.) delete "Uniontown, Pa., VOR;" and substitute therefor, "Indian Head, Pá., VOR;".

Issued in Washington, D.C., on October 14, 1959.

GEORGE S. CASSADY. Acting Director, Bureau of . Air Traffic Management. ..

[F.R. Doc. 59-8824; Filed, Oct. 20, 1959; 8:45 a.m.]

I 14 CFR Parts 600, 601 1 [Airspace Docket No. 59-WA-218]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6162 and 601.6162 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 162 presently extends from Harrisburg, Pa., to Allentown, Pa. The Federal Aviation Agency has under consideration the westerly extension of Victor 162 from the Harrisburg VOR, via a VOR to be installed approximately January 15, 1960, near St. Thomas, Pa., at latitude 39°56'00", longitude 77°57'06''; the Grantsville, Md., VOR; to the Clarksburg, W. Va., VOR. This extension of Victor 162 would provide a more direct route for the movement of air traffic from Huntington, W. Va., Charleston, W. Va., and Clarksburg, W. Va., to Harrisburg, Pa., and other northeastern terminals. If such action is taken, VOR Federal airway No. 162 and its associated control areas would then extend from Clarksburg, W. Va., to Allentown, Pa.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6162 (23 F.R. 10339) and 601.6162 (14 CFR, 1958 Supp., 601.6162) to read as follows:

§ 600.6162 VOR Federal airway No. 162 (Clarksburg, W. Va., to Allentown, Ρ̀a.).

From the Clarksburg, W. Va., VOR via the Grantsville, Md., VOR; St. Thomas, Pa., VOR; Harrisburg, Pa., VOR; INT of the Harrisburg, Pa., VOR 073° and the Tower City, Pa., VOR 128° radials; to the Allentown, Pa., VOR, including a south alternate from the Harrisburg VOR via the INT of the Lancaster, Pa., VOR 047° and the Pottstown, Pa., VOR 275° radials.

§ 601.6162 VOR Federal airway No. 162 control areas (Clarksburg, W. Va., to Allentown, Pa.).

All of VOR Federal airway No. 162, including a south alternate.

Issued in Washington, D.C., on October 14, 1959.

> GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8825; Filed, Oct. 20, 1959; 8:45 a.m.]

> [14 CFR Parts 600, 601] [Airspace Docket No. 59-FW-12]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Segments of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to \$\$ 600.106, 601.106, and 601.4106 of the regulations of the Administrator, as hereinafter set forth.

Amber Federal airway No. 6 presently extends from Jacksonville, Fla., to Alma, Ga.; from Nashville, Tenn., to Columbus, Ohio; and from Akron, Ohio, to the United States-Canadian Border. An IFR airway traffic peak-day survey for calendar year 1953 showed less than 10 aircraft movements on the segments of Amber 6 between Jacksonville and Alma, Ga. and between Akron, Ohio, and Parkman, Ohio. On the basis of the survey, it appears that the retention of these airway segments and their associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Amber 6 and its associated control areas would then extend from Nashville, Tenn., to Columbus, Chio and from Parkman, Ohio to the United States-Canadian Border. Concurrently with this action, § 601.4106 relating to associated reporting points, would be modified accordingly.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.106 (14 CFR, 1958 Supp., 600.106, 24 F.R. 1281), 601.106 (14 CFR, 1958 Supp., 601.106) and 601.4106 (14 CFR, 1958 Supp., 601.4106, 24 F.R. 1286) as follows:

1. Section 600.106 Amber Federal airway No. 6 (Jacksonville, Fla., to United States-Canadian Border):

a. In the caption, delete "(Jackson-ville, Fla., to United States-Canadian Border)" and substitute therefor "(Nash-ville, Tenn., to Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border)."

b. In the text, delete "From the Jack-sonville, Fla., R.R. to the Alma, Ga., R.R."

c. In the text, delete "From the Akron, Ohio, RR via the intersection of the north course of the Akron RR and the east course of the Cleveland, Ohio, RR; Perry, Ohio, RBN" and substitute therefor "From the INT of the E course of the Cleveland, Ohio, RR and a line bearing 204° from the Perry, Ohio, RBN via the Perry RBN".

2. In the caption of 601.106 Amber Federal airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border): delete (Jacksonville, Fla., to United States-Canadian Border)" and substitute therefor "(Nashville, Tenn., to Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border)."

3. Section 601.4106 Amber Federal airway No. 6 (Jacksonville, Fla., to United

States-Canadian Border):

a. In the caption, delete "(Jackson-ville, Fla., to United States-Canadian Border)" and substitute therefor "(Nash-ville, Tenn., to Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border)."

b. In the text, delete "Jacksonville, Fla., radio range station; Alma, Ga., radio range station;".

Issued in Washington, D.C., on October 14, 1959.

GEORGE S. CASSADY, Acting director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8826; Filed, Oct. 20, 1959; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-39]

CONTROL ZONES

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the revocation of the Russell, Kansas, control zone. The Russell control zone is presently designated to include the airspace within a three mile radius centered on the Russell Airport and within two miles either side of the 007° radial of the Russell VOR extending from the three mile radius zone to a point 12 miles north of the VOR. IFR air traffic operations records of the Kansas City, Mo., Air Route Traffic Control Center disclose that there were no instrument approaches to the Russell Airport during the calendar year Therefore, it appears that the retention of this control zone is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace

Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp., Part 601) as follows:

Section 601.2431 Russell, Kans., control zone is revoked.

Issued in Washington, D.C., on October 14, 1959.

GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8828; Filed, Oct. 20, 1959; 8:46 a.m.]

I 14 CFR Part 601 I

[Airspace Docket No. 59-WA-145]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2297 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the Jackson, Mich., control zone. The present control zone includes the airspace within a five-mile radius of the Reynolds Airport, Jackson, Mich., and within two miles either side of a line bearing 313° from the Jackson nondirectional radio beacon, to a point ten miles northwest. A VOR is to be installed at Jackson approximately November 1, 1959, and it is planned to prescribe VOR instrument approach procedures to runways 5 and 23 at the Jackson Airport. To provide protection for aircraft using the VOR approaches, it is proposed to add two new control zone extensions from the 5mile radius zone to points 12 miles southwest and northeast of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contem-

plated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record-for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 601.2297 (14 CFR, 1958 Supp., 601.2297) to read as follows:

§ 601.2297 Jackson, Mich., control zone.

Within a 5-mile radius of Reynolds Airport, Jackson, Mich.; within 2 miles either side of a line bearing 313° from the Jackson, Mich., RBN., to a point 12 miles NW of the RBN; within 2 miles either side of the 051° radial of the Jackson VOR extending from the 5-mile radius zone to a point 12 miles NE of the VOR; and within 2 miles either side of the 231° radial of the Jackson VOR extending from the 5-mile radius zone to a point 12 miles SW of the VOR.

Issued in Washington, D.C., on October 14, 1959.

GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8829; Filed, Oct. 20, 1959; 8:46 a.m.]

[14 CFR Part 601] [Airspace Docket No. 59-KC-36]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2105 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the Indianapolis, Ind., control zone. The Indianapolis control zone is presently designated to include the airspace within five miles of the Weir Cook County Airport, with extensions to the west, based on the Indianapolis Radio range; southwest, based on the Indianapolis ILS localizer course; and northwest, based on the Indianapolis VORTAC.

The Indianapolis control zone extension to the west, designated to provide

quency radio range standard instrument approaches, presently extends only to the Clayton fan marker, 9.8 nautical miles from the radio range station. The prescribed low frequency range standard instrument approach at Weir Cook County Airport, permits descent below 1000 feet above the ground to be made on the west course within 10 nautical miles of the Indianapolis radio range. To assure adequate protection for aircraft executing low frequency radio range instrument approaches, it is proposed to extend this portion of the control zone to a point 12 statute miles (approximately 10 nautical miles) west of the Indianapolis radio range.

The Indianapolis control zone extension to the southwest, provided for protection for aircraft executing ILS and ADF instrument approaches, and the extension to the northwest, provided for protection for aircraft executing VOR instrument approaches, presently extend ten nautical miles southwest of the outer marker and ten nautical miles northwest of the VORTAC, respectively. Prescribed ILS, ADF, and VOR instrument approach procedures, at Weir Cook County Airport, require that the portion of the approach southwest of the ILS outer marker and northwest of the VORTAC be made at altitudes above 1,000 ft. above the ground. Since the procedure turns associated with these instrument approach procedures are made within the control areas associated with airways, the control zone extension to the southwest, based on the Indianapolis ILS localizer course, and the portion of the control zone extension to the northwest of the Indianapolis VORTAC are not required for the protection of aircraft executing these standard instrument approaches. Therefore, it is proposed to revoke the control zone extension to the southwest and the portion of the northwest extension to the northwest of the VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York

protection for aircraft executing low fre- informal Docket will also be available for examination at the office of the Regional Administrator. This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348,

> In consideration of the foregoing, it is proposed to amend § 601.2105 (14 CFR. 1958 Supp., 601.2105) to read as follows:

> § 601.2105 Indianapolis, Ind., control zone.

> Within a 5-mile radius of the Weir Cook County Airport, extending 2 miles either side of the west course of the Indianapolis RR from the 5-mile radius zone to a point 12 miles west of the RR. and extending 2 miles either side of the 143° radial of the Indianapolis VORTAC from the 5-mile radius zone to the VORTAC.

> Issued in Washington, D.C., on October 14, 1959.

> > GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8830; Filed, Oct. 20, 1959; 8:46 a.m.]

I 14 CFR Part 602 I

[Airspace Docket No. 59-KC-25]

CODED JET ROUTE ' Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 602.536 and 602.538 of the regulations of the Administrator, as hereinafter set forth.

VOR/VORTAC jet route No. 36 is presently established from Fargo, N. Dak., to Selfridge, Mich., via Minne-apolis, Minn., La Crosse, Wis., Mil-waukee, Wis., and Lansing, Mich. VOR/ VORTAC jet route No. 38 is presently established, in part, from Duluth, Minn., to Selfridge, Mich., via Green Bay, Wis. The Federal Aviation Agency has under consideration realigning Jet Routes 36-V and 38-V via the Peck, Mich., VOR in lieu of via the Selfridge, Mich., VOR. This would channel en route traffic to the north to by-pass the high density IFR operations at Selfridge AFB and Detroit, Mich., terminal areas. The Federal Aviation Agency also has under consideration the further modification of Jet Route 36-V by eliminating the Lansing, Mich., VOR from the route structure, and by realigning the route via the Nodine, Minn., VOR in lieu of via the La Crosse, Wis., VOR. Adequate naviga-tional guidance for aircraft using Jet Route 36-V would be provided for the route segment between Milwaukee and Peck by the VOR's at these locations; therefore, there is no requirement for the route to be aligned via the Lansing VOR. Jet route 36-V would be realigned via the Nodine VOR in lieu of via the La Crosse VOR because the Nodine VOR is a high altitude frequency protected (HVOR) Avenue NW., Washington 25, D.C. An facility. If such action is taken, Jet

Route 36-V will extend from Fargo, N. Dak., to Peck, Mich., via Minneapolis, Minn., Nodine, Minn., and Milwaukee, Wis., Jet route 38-V will extend in part, from Duluth, Minn., to Peck, Mich., via Green Bay, Wis.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency. 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 602.536 (14 CFR, 1958 supp., 602.536) and 602.538 (14 CFR, 1958 supp., 602,533) as follows:

- 1. Section 602.536 VOR/VORTAC jet route No. 36 (Fargo, N. Dak., to Selfridge, Mich.):
- a. In the caption, delete "(Fargo, N. Dak., to Selfridge, Mich.)" and substitute therefor, "(Fargo, N. Dak., to Peck, Mich.)".
- b. In the text, delete "Lansing, Mich., VOR to the Selfridge, Mich., VOR." and substitute therefor, "INT of the Milwaukee VOR 084° and the Peck VOR 270° radials; to the Peck, Mich., VOR.".
- c. In the text, delete "La Crosse, Wis., VOR;" and substitute therefor, "Nodine, Minn., VOR;".
- 2. In the text of \$602.538 VOR/ VORTAC jet route No. 38 (Duluth, Minn., to New York, N.Y.) delete "the Selfridge, Mich., VOR." and substitute therefor, "the Peck, Mich., VOR.".

Issued in Washington, D.C., on October 14, 1959.

> GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8827; Filed, Oct. 20, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

I 49 CFR Part 170 1

BALTIMORE, MD., COMMERCIAL ZONE

Revision of Definition of Boundary

OCTOBER 16, 1959.

Revision of definition of boundary of Baltimore, Md., commercial zone, heretofore defined in Ex Parte No. MC-37; Commercial Zone and Terminal Areas, 46 M.C.C. 665, 48 M.C.C. 95, and 62 M.C.C.

Upon consideration of a petition of Cokeysville Committee of Towson Town Association, Inc., for redefinition of the Commercial Zone of Baltimore, Md., to include additional points and areas, hereafter described, which petitioner asserts, by reason of industrial development and growth, have become a part of the zone which is adjacent to, and commercially a part of, Baltimore, Md., within the meaning of section 203(b) (8) of the Interstate Commerce Act, and in order to determine if such additional area should be included in the limits of the zone adjacent to, and commercially a part of, Baltimore, Md., heretofore defined in the ninth supplemental report in Commercial Zones and Terminal Areas, 62 M.C.C. 510, the Interstate Commerce Commission, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) hereby gives notice that the amendment of the description of such zone limits set forth in 49 CFR 170.21 is under consideration to read as follows:

- (a) The municipality of Baltimore itself. (b) All points within a line drawn 5 miles beyond the boundaries of Baltimore.
- (c) All points in that area east of the line described in (b) above, bounded by a line as follows: beginning at the point where the line described in (b) above crosses Dark Head Creek and extending in a southeasterly direction along the center of Dark Head Creek and beyond to a point off Wilson Point, thence in a northeasterly direction to and along the center of Frog Mortar Creek to Stevens Road, thence northerly along Stevens Road, thence northerly along Stevens Road to Eastern Avenue, thence easterly along Eastern Avenue to Bengies Road to the right-of-way of the Pennsylvania Railroad, thence westerly along such rightof-way to the junction thereof with the line described in (b) above.

(d) All points in that area south of the (d) An points in that are south of the line described in (b) above bounded on the west by the right-of-way of the line of the Pennsylvania Railroad extending between Stony Run and Severn, Md., and on the south by that part of Maryland Highway 176 extending easterly from the said railroad to its junction with the line described in (b) above.

(e) All points in that area north of the line described in (b) above, bounded by a line as follows: beginning at the juncture of the line described in (b) above and Pot Spring Road, thence northerly along Pot Spring Road to junction with Bosley Road; thence northwesterly along Bosley Road to junction with Warren Road; thence northerly along Warren Road to junction with Poplar Hill Road; thence northwesterly along Poplar Hill Road to a point thereon three and one-half (3½) miles from the line described in (b) above, thence westerly along a line parallel to the line described in (b) above to the Baltimore-Harrisburg Express-way (U.S. Highway 111); and thence south-erly along the Baltimore-Harrisburg Expressway to its juncture with the line described in (b) above.

(f) All of any municipality any part of

which is within the limits of the combined areas in (b), (c), (d) and (e) above.

(g) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the City of Baltimore or by any municipality included under the terms of (f) above. terms of (f) above.

The additional area which the Cockeysville Committee seeks to include in the Baltimore Commercial Zone is that described in (e) of the proposed amendment. No oral hearing on the change in the zone boundary is contemplated, but anyone wishing to make representations in favor of, or against, the aboveproposed revision of the defined boundary of the Baltimore, Md., commercial zone may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before December 16, 1959.

Notice to the general public of the action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-8853; Filed, Oct. 20, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

2% PERCENT TREASURY BONDS OF INVESTMENT SERIES B-1975-80

Waiver of Provisions; Authorization of Transfer

1. Until further notice, the provisions of Treasury Department Circulars No. 883, dated March 26, 1951 (16 F.R. 2640), and No. 907, dated May 19, 1952 (17 F.R. 4625), limiting transfers of 23/4 percent Treasury Bonds, Investment Series B-1975-80, are hereby waived to authorize the transfer of such bonds to the Federal National Mortgage Association (hereinafter referred to as the "Association") for 4 percent mortgages guaranteed by the Veterans Administration or other mortgages, which are held in the Association's Management and Liquidating Program.

8508 NOTICES

- 2. This waiver shall apply only to owners of the bonds who are eligible under the Association's requirements to acquire the mortgages and who enter into the necessary agreement with the Association to purchase the mortgages, and because Treasury Bonds Investment Series B-1975-80 were not issued in denominations of less than \$1,000, the waiver is restricted to assignments in multiples of \$1,000.
- 3. After an owner has entered into a contract with the Association, he must deliver the bonds to a Federal Reserve Bank or Branch, and furnish the bank the number of his contract with the Association and the location of the Association office at which the contract is to be closed. The bonds accepted by the banks must be assigned (a) to "The Secretary of the Treasury for the account of the Federal National Mortgage Association" or (b), with respect to any bond which is not to be exchanged for mortgages for its full face amount, to "The Secretary of the Treasury for the account of the Federal National Mortgage Association to the extent of \$ __ (in multiples of \$1,000), and for reissue of the remainder in the name of the registered owner." Department Circular No. 300, Revised, will otherwise govern the execution of the assignments. Officers listed in § 306.43 thereof are authorized to witness such assignments.
- 4. If the owner of the bonds is a corporation or unincorporated association. the bond assignment must be supported by a certified copy of a resolution specifically authorizing the assignment. Special forms have been provided for this purpose and will be furnished the Association offices as well as all Federal Reserve Banks. Assignments by attorneys in fact, when authorized by the resolution and supported by proper powers, will be recognized.
- 5. Upon receiving the bonds properly assigned, together with any required supporting papers, and advice from the bond owner as to the number of his contract and the location of the Association office concerned, the Federal Reserve Bank will issue a receipt to the bond owner for the bonds delivered to the bank.
- 6. Upon the closing of the contract an authorized officer of the Association will execute Part II of the original receipt and forward it to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D.C., which will immediately reissue and deliver to the bondholder the amount of bonds which are to be reissued in the name of . the bondholder and redeem the balance for the benefit of the Association.
- 7. Any provisions of Treasury Department Circular No. 300, Revised (31 CFR, 1957 Supp., 306.43), which are inconsistent herewith are hereby waived and modified accordingly.

ROBERT B. ANDERSON, . [SEAL] Secretary of the Treasury;

OCTOBER 21, 1959.

[F.R. Doc. 59-8812; Filed, Oct. 20, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Admin. Order 8, Revised]

HELIUM ACTIVITY

Redelegation of Authority To Execute Contracts for Production and Distribution of Helium Gas

Pursuant to the authority redelegated in paragraph 215.2.2, Bureau of Mines Manual, the General Manager, Helium Operations, and the Chief, Division of Administration, Helium Activity, are hereby redelegated the authority to make negotiated purchases or contracts for supplies and services necessary for the production and distribution of helium gas, subject to the provisions outlined in the above Manual paragraph.

The above authority may not be redelegated, and is subject to the fiscal limitations set forth in Manual subparagraph 205.2.4A(1).

This order cancels and supersedes Administrative Order No. 8 dated September 11, 1959 (24 F.R. 7553).

Dated: October 13, 1959.

Q. L. WILCOX. Acting Assistant Director, Helium.

[F.R. Doc. 59-8840; Filed, Oct. 20, 1959; 8:47 a.m.1 0

[Bureau of Mines Manual, Delegations Series]

HELIUM GAS

Redelegation of Authority To Execute Contracts for Production and Distribution

Paragraph 215.2.2, Bureau of Mines Manual, is hereby amended as follows:

The last sentence is deleted, and the following substituted therefor: "The above authority may, by written order published in the Federal Register, be redelegated to the General Manager, Helium Operations, and the Chief, Division of Administration, Helium Activity, and is subject to the fiscal limitations set forth in subparagraph 205.2.4A(1) (21 F.R. 1205) (see subparagraphs 215.1.1E and 215.1.1F)."

This document cancels and supersedes F.R. Document 59-7768 (24 F.R. 7553).

Dated: October 13, 1959.

MARLING J. ANKENY, Director, Bureau of Mines.

[F.R. Doc. 59-8841; Filed, Oct. 20, 1959; 8:47 a.m.1

DEPARTMENT OF COMMERCE

Federal Maritime Board [Docket No. 869]

PACIFIC COAST-HAWAII AND AT-LANTIC/GULF-HAWAII; GENERAL **INCREASES IN RATES**

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on the dates

indicated below, the following Second, Third and Fourth Supplemental Orders to the original order in this proceeding, dated September 10, 1959, published in the Federal Register of September 23, 1959 (24 F.R. 7656):

Second Supplemental Order, dated Oc-

tober 5, 1959:

It appearing that by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates. charges, regulations, and practices stated in certain schedules effective September 14, 1959, including Supplement No. 22 to Matson Navigation Company Freight Tariff No. 1-N, F.M.B. F-No. 87;

It further appearing that said_Original Order provided in part that no change should be made in the rates, charges, regulations and practices stated in said schedules until the investigation instituted thereby had been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on September 28, 1959, by Special Permission Application No. NSL-44, as amended, filed on behalf of the carriers participating in the aforesaid schedule, request was made for special permission to file on not less than 30 days' notice a consecutively numbered supplement to F.M.B. F-No. 87, in order to add Item 292 (to expire May 31, 1960), which item will name commodity rates on "Cement Plant Dust Collectors, Set-Up; or Cement Plant Rotary Kiln and Ball Mill Shell Sections." in the manner shown in aforesaid Application No. NSL-44.

It further appearing, that the Board having found good cause therefore has on October 5, 1959, granted special permission to publish such changes on not less than 30 days' notice under Special Permission No. 3786;

It is ordered, That the Original Order,

as amended, is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3786; and

It is further ordered, That the special

permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

· It is further ordered, That this Second Supplemental Order be published in the FEDERAL REGISTER; and

It is further ordered. That a copy of this order shall be forthwith served upon Matson Navigation Company; American President Lines, Ltd.; Isthmian Lines, Inc.; The Oceanic Steamship Company and the United States Lines Company and upon all protestants herein.

Third Supplemental Order, dated October 8, 1959:

It appearing that by the Original Order in Docket No. 869 served September 11. 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules effective September 14, 1959, including the following:

Supplement No. 22 to Matson Navigation Company Freight Tariff No. 1-N, F.M.B. F-No.

Supplement No. 17 to Matson Navigation Company Freight Tariff No. 2-P, F.M.B. F-No.

It further appearing that said Original Order provided in part that no change should be made in the rates, charges, regulations and practices stated in said schedules until the investigation instituted thereby had been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on October 1959, Matson Navigation Company filed Special Permission Application No. NSL-45, as amended, on behalf of the carriers participating in the aforesaid schedules seeking authority to file the following changes in said schedules on less than statutory notice:

1. F.M.B. F-No. 87, which currently provides that rates apply to San Diego, California, only when vessels are scheduled for direct calls and discharging, to be amended to apply only to the SS MATSONIA, making direct calls on loading of passengers, automobiles and pets, effective October 21 and to expire October 23, 1959. 2. F.M.B. F-No. 38—add the port of Kawai-

hae to the current list of Hawaiian Islands

ports of call.

It further appearing that the Board, having found good cause therefor, has on October 8, 1959, granted special permission to publish such changes on immediate notice under Special Permission No. 3787; on one day's notice;

It is ordered, That the Original Order, as amended, is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3787; and

It is further ordered, That the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of the Federal Maritime Board:

It is further ordered, That this Third Supplemental Order be published in the

FEDERAL REGISTER; and

It is further ordered, That a copy of this order shall be forthwith served upon Matson Navigation Company; American President Lines, Ltd.; Isthmian Lines, Inc.: The Oceanic Steamship Company; United States Lines Company; and upon the protestants herein.

Fourth Supplemental Order, dated October 12, 1959:

It appearing that on September 10, 1959, the Board ordered an investigation and hearing in this proceeding of the reasonableness and lawfulness of various tariff schedules to which Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., The Oceanic Navigation Company and United States Lines Company are parties, naming increases in freight rates from, to and between Pacific West Coast ports and ports in Hawaii, and from

Hawaiian ports to Atlantic and Gulf ports, which schedules became effective on September 14, 1959; and

It further appearing that such order provided that the investigation instituted thereby should include all matters and issues with respect to the lawfulness of all freight schedules of the carriers named above in effect between ports in Hawaii and ports on the Pacific, Atlantic and Gulf Coasts of the United States;

It further appearing that there has been filed with the Federal Maritime Board a tariff schedule to which Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., Lykes Brothers Steamship Company, Inc., Waterman Steamship Corporation and United States Lines Company are parties, naming increases in freight rates from Atlantic and Gulf Coast ports to ports in Hawaii to become effective October 21, 1959, designated as Atlantic & Walter R. Conference, Gulf/Hawaii Greiner, Agent, Freight Tariff No. 13, F.M.B. F-No. 20;

It further appearing that the Board, upon consideration of the said schedule is of the opinion that the new rates and charges and the new rules and regulations and practices named therein should be made the subject of a public investigation and hearing to determine whether they are just and reasonable and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933. as amended; and

It further appearing that the participating carriers, Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., Lykes Brothers Steamship Company, Inc., Waterman Steamship Corporation and United States Lines Company have agreed that if such schedule is permitted to go into effect without suspension (1) to keep account of all freight moneys received by reason of the increased rates provided in such schedule commencing with October 21, 1959, and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedule: and (2) to refund to the person who paid the freight, upon proper authorization by the Board, any freight charges collected under said schedule during the said period which may be in excess of those determined by the Board to be just and reasonable;
It is ordered, That the hearing herein

include all issues concerning the reasonableness and lawfulness of the rates, charges, regulations and practices states in said schedule;

It is further ordered, That Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., Lykes Brothers Steamship Company, Inc., Waterman Steamship Corporation and United States Lines Company shall (1) keep an account of all freight moneys received by reason of the increased rates provided in such schedule commencing with October 21, 1959, and terminating with the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices set forth in said schedule; (2) that such

carriers, upon final determination by the Board, shall refund to the person who paid the freight any freight charges collected under said schedule during the said period, which may be in excess of those determined by the Board to be just and reasonable and otherwise lawful;

It is further ordered, That no change shall be made in the rates, charges, regulations, and practices stated in said schedule until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board;

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedule and of all other freight schedules of the carriers named herein in effect between ports in Hawaii and ports on the Pacific, Atlantic and Gulf Coasts of the United States under the Shipping Act of 1916, as amended, and the Intercoastal Shipping Act of 1933, as amended;

It is further ordered, That copies of this order shall be filed with said tariff schedule in the office of the Federal

Maritime Board; and

It is further ordered, That Lykes Brothers Steamship Company, Inc., Waterman Steamship Corporation and Walter R. Greiner, Agent, be made respondents herein; that a copy of this order shall be forthwith served upon Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., The Oceanic Steamship Company, United States Lines Company, Lykes Brothers Steamship Company, Inc., Waterman Steamship Corporation and Walter R. Greiner, Agent and upon all protestants herein; and that copies of this order be published in the FEDERAL REGISTER.

Dated: October 16, 1959.

By order of the Federal Maritime Board.

> JAMES L. PIMPER, Secretary.

[F.R. Doc. 59-8854; Filed, Oct. 20, 1959; 8:49 a.m.]

CALCUTTA/U.S.A. CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733. 46 U.S.C. 814):

Agreement No. 6500-13, between the member lines of the Calcutta/U.S.A. Conference, modifies the basic agreement of that conference (No. 6500, as amended), which covers the trade from Calcutta to U.S. Atlantic ports in the Portland/Hampton Roads range, and to other United States points and possessions via direct call or transshipment. The purpose of the modification is to provide that any member line may withdraw from the conference upon 120 days written notice to the conference office and the Board. Agreement No. 6500, as amended, presently provides that notice of withdrawal from membership shall require at least six (6) months notice in advance to the conference and to the Board, and that the effective date of any withdrawal shall not be other than December 31st of any year.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 16, 1959.

By order of the Federal Maritime Board.

James L. Pimper, Secretary.

[F.R. Doc. 59-8855; Filed, Oct. 20, 1959; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10606]

M & R INVESTMENT CO., INC., ET AL.

Notice of Postponement of Hearing

In the matter of M & R Investment Company, Inc. d/b/a Dunes Hotel and Casino and Fred Miller, Don Rich, Marvin Cole, Harry Riggs, Grimley Engineering, Inc. d/b/a Golden State Airlines also d/b/a Trans Global Airlines and Catalina Air Transport d/b/a Catalina Airlines.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that at the request of the Respondents the hearing in the above-entitled proceeding now assigned for October 22 is postponed to December 1, 1959, 10:00 a.m. (e.s.t.), Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., October 15, 1959.

Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-8877; Filed, Oct. 20, 1959; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13218, 13219; FCC 59M-1353]

BILL S. LAHM AND THE TOMAH-MAUSTON BROADCASTING CO., INC. (WTMB)

Order Scheduling Hearing

In re applications of Bill S. Lahm, Wisconsin Rapids, Wisconsin, Docket No. 13218, File No. BP-12315; the Tomah-Mauston Broadcasting Company, Incor-

porated (WTMB), Tomah, Wisconsin, Docket No. 13219, File No. BP-13107; for construction permits.

It is ordered, This 14th day of October 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 29, 1959, in Washington, D.C.

Released: October 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8868; Filed, Oct. 20, 1959; 8:52 a.m.]

[Docket Nos. 13197, 13198; FCC 59M-1351]

LAWRENCE W. FELT AND INTER-NATIONAL GOOD MUSIC, INC.

Order Canceling Prehearing Conference

In re applications of Lawrence W. Felt, Carlsbad, California, Docket No. 13197, File No. BPH-2499; International Good Music, Inc., San Diego, California, Docket No. 13198, File No. BPH-2695; for construction permits.

It is ordered, This 14th day of October 1959, that the prehearing conference now scheduled for October 26 is canceled.

Released: October 15, 1959.

Federal Communications
Commission,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8869; Filed, Oct. -20, 1959; 8:52 a.m.]

[Docket No. 12742 etc.; FCC 59M-1346]

GRANITE CITY BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Selbert McRae Wood, Clagett "Woody" Wood, Tycho Heckard Wood and Paul Edgar Johnson, d/b as GRANITE CITY BRQADCASTING COMPANY, Mount Airy, North Carolina, Docket No. 12742, File No. BP-11811; Cumberland Publishing Company (WLSI), Pikeville, Kentucky, Docket No. 12743, File No. BP-11997; S. L. Goodman, Bassett, Virginia, Docket No. 12859, File No. BP-12611; for construction permits for standard broadcast stations.

On the Examiner's own motion; It is ordered, This 14th day of October 1959, that the hearing in the above-entitled proceeding presently continued without date, is hereby scheduled to be held on October 21, 1959, in the offices of the Commission, Washington, D.C.

Released: October 15, 1959.

Federal Communications Commission.

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8870; Filed, Oct. 20, 1959; 8:52 a.m.]

[Docket Nos. 13171, 13172; FCC 59M-1349]

HOWELL B. PHILLIPS AND WMCV,

Notice of Conference

In re applications of Howell B. Phillips, Williamsburg, Kentucky, Docket No. 13171, File No. BP-11332; WMCV, Inc., Tompkinsville, Kentucky, Docket No. 13172, File No. BP-12325; for construction permits.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 9:30 a.m. on Monday, November 16, 1959, in Washington, D.C.

Dated: October 14, 1959.

Released: October 15, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
MADY JANE MORRIS

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8871; Filed, Oct. 20, 1959; 8:52 a.m.]

[Docket No. 12856; FCC 59M-1347]

WSAZ, INC. AND AMERICAN TELE-PHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of WSAZ, Incorporated, Complainant, v. American Telephone and Telegraph Company, Defendant, Docket No. 12856.

It is ordered, This 14th day of October 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 29, 1959, in Washington, D.C.

Released: October 15, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8872; Filed, Oct. 20, 1959; 8:52 a.m.]

[Docket Nos. 11836, 11837; FCC 59M-1354]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

Order Continuing Hearing Conference

In re applications of Earl S. Walden, Homer T. Goodwin, and Leroy Durham, d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200; Troyce H. Harrell and Kermit S. Ashby, d/b as Star of the Plains Broadcasting Co., Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

The Hearing Examiner having under consideration the motion for continuance of procedural dates filed October 7, 1959, in behalf of Plainview Radio and the opposition thereto filed on October 9, 1959, by Star of the Plains Broadcasting Co.;

It appearing that at a hearing conference held herein on September 3, 1959 it was agreed that notice to take deposi-

tions would be filed October 12, 1959, depositions would be taken commencing October 27, 1959, and a further hearing conference would be held November 10, 1959, continuance of which dates to December 11, 1959, January 5, 1960, and January 15, 1960, respectively, is requested;

It further appearing that as basis for the requested continuance it is stated that a proposal has been made by petitioner to Star of the Plains Broadcasting Co. for joint consideration of the possibility of settling the controversy by the utilization of another frequency either at Slaton or Plainview which proposal neither party has had adequate time to study and further, that counsel for petitioner would not be available for the taking of depositions on October 27, 1959, due to oral argument having been ordered for October 30, 1959, in another proceeding before the Commission;

It further appearing that by its said opposition Star of the Plains Broadcasting Co. states that it has no desire to amend to specify another frequency due to procedural advantages presently accrued and accordingly opposes any continuance beyond a period permitting resolution of the conflict of dates that has arisen in the schedule of petitioner's counsel and urges the date of November 3, 1959, for the taking of depositions and the date of November 17, 1959, for the further hearing conference;

It further appearing that there has been no meeting of the minds of the applicants herein as to the said proposal of petitioner and accordingly good cause is not shown for continuance of procedural dates to those requested, but that the conflict in the schedule of counsel for petitioner should be resolved by continuance of the procedural dates presently specified herein for the commencement of taking of depositions and for the further hearing conference;

It is ordered, This 14th day of October 1959, that the said motion of Plainview Radio is denied and, on the Examiner's own motion, the date for commencement of the taking of depositions is continued from October 27, 1959, to November 3, 1959, and the further hearing conference herein presently scheduled for November 10, 1959, is continued to November 17, 1959, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: October 15, 1959.

[SEAL]

Federal Communications Commission, Mary Jane Morris, Secretary.

[F.R. Doc. 59-8874; Filed, Oct. 20, 1959; 8:52 a.m.]

[Docket No. 12997 etc.; FCC 59M-1348]

GARDEN CITY BROADCASTING CO. (WAUG) ET AL.

Order Scheduling Prehearing Conference

In re applications of Chester H. Jones and George C. Nicholson d/b as Garden City Broadcasting Company (WAUG)

Augusta, Georgia, Docket No. 12997, File No. BP-11590; Ben Akerman and Thomas H. Maxwell; d/b as Radio Albany, Albany, Georgia, Docket No. 12998, File No. BP-12249; William E. Blizzard, Jr., and Lewis H. McKenzie, d/b as Macon County Broadcasting Company, Montezuma, Georgia, Docket No. 12999, File No. BP-12522; for construction permits.

It appearing that hearing in this proceeding has been scheduled to commence on October 29, 1959, but that this date could more profitably be used as a conference date:

It is ordered, This 14th day of October 1959, on the Hearing Examiner's own motion, that the session of October 29, 1959, will be used for a prehearing conference rather than for hearing.

Released: October 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8873; Filed, Oct. 20, 1959; 8:52 a.m.]

[Docket No. 13182; FCC 59-1040]

KPOI BROADCASTING CO., INC.

Memorandum Opinion and Order 1

In the matter of Assignment of Call Letters KPOI to KPOI Broadcasting Company, Inc., for its Standard Broadcast Station in Honolulu, Hawaii; Docket No. 13182.

The Commission has before it for consideration the requests filed on June 15, 1959, by Radio Hawaii, Inc., licensee of Station KPOA, Honolulu, Hawaii and by its Washington, D.C. legal counsel that the Commission reconsider its action of May 1, 1959, in assigning the call letters KPOI to KHON Broadcasting Co., Inc. (now KPOI Broadcasting Company, Inc.) Honolulu, Hawaii, on the ground that use of the two sets of call letters KPOA and KPOI in Honolulu creates confusion in the minds of the listening public as to the identity of the said stations.

In support of its request, KPOA alleges that its call letters were assigned on May 27, 1946, and have been used continuously since that date; that during a period of 13 years the station has developed substantial good will and good reputation in the minds of the Honolulu public; that the call letters KPOA and KPOI are sufficiently similar, phonetically and rhythmically, in pronunciation to cause general confusion in the minds of the public and among the trade; and that the confusion is greatly compounded by the method employed by KPOI in its daily use of its call letters. KPOA states further that on station identifications KPOI announces "You are listening to KAY-POY, KPOI', "1380 on your dial" or "Honolulu"; that the pronunciation and reiteration of 'KAY-POY" is done in "such a manner that the public generally associates the call sign with KPOA which-has been serving the same area for 13 years;' that "this use and abuse by KHON Broadcasting Co., Inc. [sic] of its call sign is deliberate and is carefully calculated to mislead members of the public that they are listening to the older and more established station"; that "its obvious purpose, of course, is not only to deceive the public generally but to mislead the advertising trade and influence listener polls favorably to KHON Broadcasting Co., Inc. [KPOI]".

Additionally, KPOA points out that "POI is a popular word used generally throughout Honolulu to identify a common article of food among the native Hawaiians", and that every few minutes throughout the day KPOI makes announcements with respect to the "kaypoy bandstand", "kay-poy time", "kay-poy news center", "kay-poy weather", "kay-poy temperature", "kay-poy al-"kay-poy temperature", "kay-poy al-bum", "kay-poy release", "kay-poy top 26", etc., and that "the constant repetition of this contraction of the call letters KPOI aggravates the confusion in the minds of the listeners which the similarity of the two call signs presents." tached to KPOA's letter is an affidavit by Mr. M. Franklyn Warren, Vice President and General Manager of Station KPOA, in which he states that "since the change of call letters from KHON to KPOI by Radio Station KHON confusion was shown on the part of the public due to the similarity of call letters KPOA and KPOI"; and that "the following represents only part of the incidents occurred because the staff did not keep a regular log on each incident:

May 25, a.m.: Call for Mr. Jock Fearn-head, owner of KPOI.

May 26, 2:10 p.m.: Call for Ron Jacobs, disc jockey at KPOI.

May 27, 3:23 p.m.: Call for Tom Rounds, news director at KPOI.

May 28, 2:24 p.m.: Call for Tom Moffatt, disc jockey at KPOI. May 28, 4:51 p.m.: Call for George West,

May 28, 4:51 p.m.: Call for George West disc jockey at KPOI.

May 28, 4:58 p.m.: Call for Sam Sanford, disc jockey at KPOI.

May 29, 10:15 a.m.: Call for KPOI. May 29, 10:45 a.m.: Call for KPOI.

May 29, 1:40 p.m.: Listener came to station to pick up records in exchange for Ed & Don Candy box tops. This is a contest being run on KPOI.

June 2, 10:30 a.m.: Lady came to studio to see George West, disc jockey at KPOI.

May 28: Delivery of advertising material from Honolulu Advertiser to KPOA which was the KPOI engravings used in newspaper ad.

May 28: Received bill from Transocean Air Lines which included, among our own charges, the following item used by KPOI's attorney: Air transportation for Davis/George/Lorrain/Tim SF/HnI/SF \$626.70."

KPOA urges that the Commission, on its own motion to rescind, cancel and set aside its assignment of the call letters, KPOI, and make a new call letter assignment to the KPOI Broadcasting Company, Inc.

In a letter dated July 6, 1959, Washington, D.C., legal counsel for KPOI

¹The instant Memorandum Opinion and Order is being adopted to reflect the change in corporate name of the licensee of Station KPOI, Honolulu, Hawaii, from KHON Broadcasting Co., Inc., to KPOI Broadcasting Company, Inc., pursuant to Commission consent granted on August 13, 1959.

contends that the above-referenced letter of June 15, 1959 "is not even a formal petition, [and] cannot be given any consideration whatsoever", and that "the KPOI call letter change was to be effective May 1, 1959 so that the very latest time reconsideration of that call letter change could be had was 30 days after Commission action authorized the call letter change and certainly no later than 30 days after its effective date"; and that "the said letter, therefore, is not timely filed pursuant to section 405 of the Communications Act of 1934, as amended which requires that the petition to be timely must be filed within 30 days from the date upon which public notice is given of any decision, order or require-ment complained of." KPOI states that the claim of confusion in the minds of listeners because of the call letters KPOI and KPOA "is a contradiction by itself for, as even Radio Hawaii [KPOA] knows, POI is as common a word in Hawaii as bread is elsewhere in the world and to many Hawaiians as much a staple in their diet".

KPOA does not state pursuant to which Commission rule or provision of the Communications Act its instant request is filed. However, § 1.191 of the Commission rules and section 405 of the Communications Act which provide for petitions for reconsideration, require that such petitions be filed within 30 days of the action against which the petition is filed. The Commission's assignment of the call letters KPOI was effective May 1, 1959, and the instant request was not submitted until June 15, 1959. Therefore, the said request is not timely filed pursuant to the requirements of said sections for consideration thereunder.

The Commission on its own motion here considers the allegations before us with respect to confusion arising from the similarity of the two sets of call letters in Honolulu. We are of the opinion that the statements made by KPOA raise a substantial question as to whether confusion does arise from the use of the two sets of call letters KPOA and KPOI in Honolulu, Hawaii and whether KPOI should be required to change its call letters to avoid confusion and misconception in the minds of the listeners as to the identity of said two stations. We find nothing in the KPOI reply of July 6, 1959, to rebutt the above showing by KPOA that confusion does obtain. Moreover, we are of the opinion that the call letters KPOA and KPOI are sufficiently similar phonetically and rhythmically in pronunciation to cause possible confusion and misconception in the minds of the Honolulu listeners as to the identity of the said two stations.

In view of the foregoing: It is ordered, That KPOI Broadcasting Company, Inc. is directed to show cause, by public hearing if requested, within 30 days from the date of this Order, why the Commission should not issue an order rescinding its action of May 1, 1959, in assigning the call letters KPOI to its Honolulu, Hawaii

It is further ordered, That in the event KPOI Broadcasting Company, Inc. desires a public hearing in the matter, such hearing should be requested within 30 days from the date of this order.

It is further ordered, That this Memorandum Opinion and Order corrects the Commission's Memorandum Opinion and Order (FCC 59-899) adopted herein on September 2, 1959, and the effective date of said order remains the same,

Adopted: October 7, 1959. Released: October 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

Mary Jane Morris, Secretary.

[F.R. Doc. 59-8876; Filed, Oct. 20, 1959; 8:53 a.m.] [Canadian List 139]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

OCTOBER 5. 1959.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-e) attached to the Recommendations-of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	An- tenna	Sched- ule	Class	Expected date of com- mencement of oper- ation
CKNX	Wingham, Ontario	920 kilocycles 2.5 kw D/1 kw N_ 930 kilocycles	DA-2	υ	ш	NIO with increased daytime power.
Clon	St. John's, Nild	10 kw 960 kilocycles	DA-N	υ 	ш	NIO with increased, power.
CFAO	Calgary, Alberta	10 kw 1410 kilocycles	DA-N	σ	ш	ъ.
CFUN (PO: 10 kw D/1 kw N 1410 kc ND).	Vancouver, B. C	10 kw D/1 kw N	DA-N	υ	m	EIO 10-15-59.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-8875; Filed, Oct. 20, 1959; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

THE FIRST VIRGINIA CORPORATION

Order Granting Requests for Determinations

In the matter of the requests of The First Virginia Corporation for determinations under section 4(c) (6) of the Bank Holding Company Act of 1956, with respect to First General Insurance Agency, Inc. and Mt. Vernon Insurance Agency, Inc. (Docket Nos. BHC-49 and 50).

On September 16, 1959, the Hearing Examiner filed with the Board of Governors his Report and Recommended Decision in the above-entitled proceeding, recommending to the Board that it grant the requests of The First Virginia Corporation, Arlington, Virginia, for determinations that First General Insurance Agency, Inc., and Mt. Vernon Insurance Agency, Inc., and their proposed activities are of the kind described in section 4(c) (6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The time for filing with the Board exceptions and brief to the recom-

mended decision of the Hearing Examiner expired without any exceptions or brief having been filed.

Pursuant to section 4(c) (6) of the Bank Holding Company Act and section 5(b) of the Board's Regulation Y, and on the basis of the entire record, the Board hereby adopts the findings of fact, conclusions of law, and the recommendation of the Hearing Examiner as set forth in the attached copy of his Report and Recommended Decision, and makes the following order:

It is hereby ordered, For the reasons set forth in the Hearing Examiner's Report and Recommended Decision of September 16, 1959, and on the basis of the record made at the hearing in this matter, that First General Insurance Agency, Inc. and Mt. Vernon Insurance Agency, Inc. and their proposed activities are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and therefore, Applicant's requests with respect

¹Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

to First General Insurance Agency, Inc. and Mt. Vernon Insurance Agency, Inc. shall be, and hereby are, granted; provided that these determinations shall be subject to revocation by the Board if the facts upon which they are based should substantially change in such manner as to make the reasons for such determinations no longer applicable.

Dated at Washington, D.C., this 15th day of October, 1959.

By order of the Board of Governors.2

[SEAL]

MERRITT SHERMAN, Secretary.

[F.R. Doc. 59-8836; Filed, Oct. 20, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 292]

MOTOR CARRIER APPLICATIONS

OCTOBER 16, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The 25 applications immediately following covering the transportation of liquid and dry commodities, in seald-tanks and sealdbins, etc., are assigned for pre-hearing conference, Commissioner Rupert L. Murphy presiding, on October 26, 1959, at the offices of the Interstate Commerce Commission, Washington 25, D.C.:

No. MC 986 (Sub No. 12), filed September 18, 1959. Applicant: KANSAS NEBRASKA XPRESS, INC., 1229 1/2 Union Avenue, Kansas City 1, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities, in containers, including but not limited to Sealdtank, Sealdbin, Sealdrum, and Nest-A-Bin containers, in or upon ordinary vehicles, over regular routes and in the territory, including all termini and all intermediate and off-route points, authorized to be served by applicant in Certificate No. MC 986 and sub numbers thereunder, in the transportation of general commodities, with exceptions, in Missouri, Kansas, and Nebraska.

No. MC 1222 (Sub No. 18), filed October 12, 1959. Applicant: THE REIN-HARDT TRANSFER COMPANY, a corporation, 1410 Tenth Street, Portsmouth, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15. Ohio. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: All liquid or dry commodities, in collapsible tanks or bins, or the equivalent thereof, including, but not limited to those known as "Sealdtanks" or "Sealdbins", whether furnished by shipper or shippers, or owned or leased by applicant, over all routes and between all points, including all intermediate and off-route points, authorized to be served by applicant in Certificate No. MC 1222 and Subs thereunder, throughout its entire scope of operations. Applicant is authorized to conduct operations in IIlinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia. No. MC 1968 (Sub No. 71), filed Octo-

ber 14, 1959. Applicant: BRASWELL FREIGHT LINES, INC., 201 Raynolds Boulevard, El Paso, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities in collapsible tanks or bins known as "Sealdtanks" or 'Sealdbins", or other similar or equivalent containers by whatever name known, whether furnished by shipper or shippers, or owned or leased by applicant, transported in or on standard motor common carrier vehicles, from, to and between all points which applicant is authorized to serve in the transportation of general commodities, with certain exceptions, as authorized in Certificate No. MC 1968. Applicant is authorized to conduct operations in Texas, Louisiana, Mississippi. Oklahoma, Tennessee, and Arkansas.

No. MC 3799 (Sub No. 11), filed October 15, 1959. Applicant: LESTER A. ELLIOTT, JR., doing business as EL-LIOTT MOTOR LINES, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities in collapsible tanks or bins, or the equivalent thereof, between all points applicant is presently authorized to serve in the transportation of general and special commodities as contained in Certificate No. MC-3799 and sub numbers thereunder in the States of Virginia, West Virginia, Pennsylvania, Maryland, and the District of Columbia.

No. MC 10472 (Sub No. 19), filed October 16, 1959. Applicant: BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner Avenue, Kansas City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities, in collapsible tanks or binds, or the equivalent thereof, including but not limited to Sealdtanks and Sealdbins, transported in or on standard motor vehicles, between all

points applicant is authorized to serve in the transportation of general commodities, in Missouri, Kansas, and Illinois.

No. MC 30091 (Sub No. 39), filed August 17, 1959. Applicant: L. F. MILLER and F. D. MILLER, doing business as MILLER & MILLER MOTOR FREIGHT LINES, 1303 Iowa Park Road, Wichita Falls, Tex. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities, in collapsible tanks or bins, or the equivalent thereof, including but not limited to those known as "sealdtanks" or "seald-bins", whether furnished by shipper or shippers or owned or leased by the applicant, from, to and between all points applicant is authorized to conduct operations, including all intermediate and off-route points, as authorized in Certificate No. MC 30091 and sub-numbers thereunder, in the States of Oklahoma and Texas.

No. MC 31389 (Sub No. 47), filed October 15, 1959. Applicant: McLEAN TRUCKING COMPANY, P.O. Bex 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1625 K Street, NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid or dry commodities, in collapsible tanks or bins, or the equivalent thereof, between all points applicant is authorized to serve in the transportation of general and special commodities under Certificate No. MC 31389 and subs thereunder. Applicant is authorized to conduct operations in the States of Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia.

No. MC 32562 (Sub No. 16), filed October 15, 1959. Applicant: POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and ary commodities in collapsible tanks or bins, or the equivalent thereof, between all points applicant is presently authorized to serve in Certificate No. MC-32562 and subs thereunder in the States of Ohio, West Virginia, Kentucky, Pennsylvania, and Indiana.

No. MC 33641 (Sub No. 40), filed October 13, 1959. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City, Utah. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities, in containers and collapsible tanks, drums, or bins, or the equivalent thereof, including but not limited to tanks, drums, or bins known as Sealdtanks, Sealdbins, or Nesta-Bins, between all points now authorized to be served by applicant under Docket No. MC 33641 and sub numbers thereunder, over all routes and in territories

²Voting for this action: Governors Szymczak, Mills, Robertson and Shepardson. Absent and not voting: Chairman Martin, Vice Chairman Balderston and Governor King.

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authorized, including all termini, intermediate and off-route points. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Utah, and Wyoming, and irregular route operations in California, Colorado, Idaho, Kansas, Missouri, Nebraska, Nevada, Oregon, Washington, and Wyoming.

No. MC 36832 (Sub No. 12), filed October 9, 1959. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 4535 West Adams Street, Chicago, Ill. Applicant's attorney: David Axelrod, 38 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular and Irregular routes, transporting: Liquid and dry commodities, in collapsible tanks or bins or the equivalent thereof including, but not limited to sealdtanks and sealdbins, transported in or on standard motor vehicles, from, to and between all points which applicant is authorized to serve in the transportation of general commodities, with certain exceptions in the states of Illinois, Indiana, Iowa, Nebraska, Michigan, Ohio, New York, Pennsylvania, Kentucky, Missouri, and Kansas as authorized in Certificate No. MC 36832 and subs thereunder.

No. MC 37929 (Sub No. 5) filed October 5, 1959. Applicant: WESTERN TRUCKING COMPANY, a Missouri corporation, 4560 North Second Street, St. Louis 7, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities, in collapsible tanks or bins, or the equivalent thereof including but not limited to tanks or bins known as Sealdtanks or Sealdbins, whether furnished by shipper or shippers or owned or leased by applicant, over the routes and in the territory, including all intermediate and off-route points, authorized to be served by applicant in the transportation of General commodities, with certain exceptions, by virtue of Certificate No. MC 37929 and sub numbers thereunder, in the States of Missouri, Illinois, Kentucky, Ohio, and Indiana.

Nore: Applicant has filed a Motion to Dismiss the above application on the grounds that it presently holds authority to perform the above transportation.

No. MC 38170 (Sub No. 18), filed September 18, 1959. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield Road, Lincoln Park, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Liquid commodities, dry com-modities, in containers, including but not limited to Sealdtanks and Sealdbins when transported in standard vehicles, over the routes and in the territory, including all off-route points and intermediate points authorized to be served by applicant in Certificate No. MC 38170 and Subs thereunder, covering the transportation of general commodities, with igan and Ohio.

No. MC 38551 (Sub No. 13), filed October 9, 1959. Applicant: RAMUS TRUCKING LINE, INC., P.O. Box 5786, 3832 Ridge Road, Cleveland, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle over regular and irregular routes, transporting: Liquid or dry commodities, in collapsible tanks or bins or the equivalent thereof including, but not limited to, sealdtanks and sealdbins, transported in or on standard motor vehicles, from, to and between, all points which applicant is authorized to serve in the transportation of general commodities, with certain exceptions in Illinois, Indiana, Ohio, Massachusetts, Rhode Island, New York, and Pennsylvania, as authorized in Certificate No. MC 38551 and subs there-

No. MC 42329 (Sub No. 141), filed October 15, 1959. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1625 K Street Authority Washington, D.C. sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid or dry commodities, in collapsible tanks or bins, or the equivalent thereof, between all points applicant is presently authorized to serve in the transportation of general and special commodities as contained in Certificate No. MC 42329 and sub numbers thereunder. Applicant is authorized to conduct operations in the States of Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Vermont, West Virginia, and-Wisconsin.

No. MC 50034 (Sub No. 25), filed October 2, 1959. Applicant: COURIER EXPRESS, INC., 115 Montgomery Street, P.O. Box 358, Logansport, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Liquid and dry commodities, in containers, including but not limited to Sealdtanks, Sealdbins and Nest-a-Bin containers, in or upon ordinary vehicles, over the routes and in the territory, including all off-route and intermediate points, applicant is authorized to serve in Certificate. MC 50034 and sub numbers thereunder, in Michigan and Indiana, and empty containers, on return.

No. MC 52958 (Sub No. 13), filed October 15, 1959. Applicant: HENNE-PIN TRANSPORTATION CO., INC., 23 Northeast Fourth Street, Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities, in collapsible tanks or

certain exceptions, in the States of Mich- bins or the equivalent thereof including, but not limited to, sealdtanks and sealdbins, transported in or on standard motor vehicles, from, to and between all points which applicant is authorized to serve in the transportation of general commodities, with certain exceptions, in the States of Wisconsin, Minnesota, Illinois, Iowa, and Indiana, as authorized in Certificate No. MC 52958 and sub numbers thereunder.

No. MC 76564 (Sub No. 64), filed August 13, 1959. Applicant: HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. Applicant's attorney: Morris G. Cobb, 1300 Grant Street, Amarillo, Tex. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities, in collapsible tanks or bins, or the equivalent thereof, including but not limited to those known as "sealdtanks" or "seald-bins", whether furnished by shipper or shippers or owned or leased by the applicant, from, to and between all points, including all intermediate and off-route points, applicant is authorized to conduct operations as authorized in Certificate No. MC 76564 and sub numbers thereunder. Applicant is authorized to conduct operations in New Mexico and Texas.

No. MC 103017 (Sub No. 12), filed October 9, 1959. Applicant: MERCURY MOTOR FREIGHT LINES INC., 954 Hershey Street, St. Paul, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, III. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid or dry commodities in collapsible tanks or bins or the equivalent thereof including, but not limited to sealdtanks, and sealdbins, transported in or on standard motor vehicles, from, to and between all points which applicant is authorized to serve in the transportation of general commodities, with certain exceptions in the states of Illineis, Wisconsin, Indiana, Minnesota, and Iowa as authorized in Certificate No. MC 103017 and subs thereunder.

No. MC 106456 (Sub No. 29), filed October 12, 1959. Applicant: SUPER SERVICE MOTOR FREIGHT COM-PANY, INC., Fessler Lane, Nashville, Tenn. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes transporting: Liquid and dry commodities, in containers, including but not limited to "Sealdtank" and "Sealdbin" containers, in or upon ordinary vehicular equipment, between all points applicant is authorized to serve in the transportation of general commodities, in Certificate MC 106456 and sub numbers thereunder.

No. MC 107500 (Sub No. 44), filed October 15, 1959. Applicant: BURLING-TON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities in collapsible tanks or bins, including but not limited to Sealdtank, Sealdbin, whether furnished by shipper, or owned or leased by carrier, in or upon standard motor vehicles, from, to and between all points, including all intermediate and off-route points, applicant is authorized to serve in the transportation of General Commodities, with certain exceptions, in the States of Illinois, Indiana, Iowa, Missouri, Kansas, Nebraska, Colorado, Wyoming, and Montana, as authorized in Certificate No. MC 107500 and sub numbers thereunder.

No. MC 108905 (Sub No. 19), filed October 1, 1959. Applicant: JASPER & CHI-CAGOMOTOR EXPRESS, INC., Indiana Highways 45 and 56, Jasper, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities (except Class A and B explosives), in collapsible cargo containers, including but not limited to Sealdtanks and Sealdbins, over the routes and in the territory, including all intermediate and off-route points, authorized to be served by applicant in the transportation of general commodities as authorized in Certificate No. MC 108905 and sub numbers thereunder. Applicant is authorized to conduct operations in Illinois, Indiana, and Kentucky.

No. MC 109265 (Sub No. 8), filed October 6, 1959. Applicant: W. L. MEAD, INC., P.O. Box 31, Cleveland Road, Norwalk, Ohio. Applicant's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle over regular and irregular routes, transporting: Liquid and dry commodities, in containers including but not limited to Sealdtank, Sealdbin, Nest-a-bin and Totebin containers, in or upon ordinary vehicles, over the routes and in the territories, including all intermediate and off-route points, authorized to be served by applicant in Certificates Nos. MC 109265 and MC 109265 (Sub No. 7) in Connecticut, Massachusetts, Ohio, and Rhode Island.

No. MC 109538 (Sub No. 12), filed October 9, 1959. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3. Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid or dry commodities, in collapsible tanks or bins or the equivalent thereof including, but not limited to, sealdtanks and sealdbins, transported in or on standard motor vehicles, from, to and between all points which applicant is authorized to serve in the transportation of general commodities, with certain exceptions in Wisconsin, Minnesota, Illinois, and Indiana, as authorized in Certificate No. MC 109538 and subs thereunder.

No. MC 110325 (Sub No. 23), filed October 13, 1959. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Wentworth E. Griffin,

1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Liquid and dry commodities, in collapsible or rigid tanks or bins, or the equivalent thereof, including but not limited to Sealdtanks and Sealdbins, from, to and between all points applicant is authorized to serve in the transportation of said specified liquid or dry commodities, in Alabama, Arkansas, Arizona, California, Georgia, Illinois, Indiana, Kansas, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

No. MC 111383 (Sub No. 8), filed October 14, 1959. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 201 Raynolds Boulevard, El Paso, Tex. Ap-plicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Liquid and dry commodities in collapsible tanks or bins known as "Sealdtanks" or "Sealdbins", or other similar or equivalent containers by whatever name known, whether furnished by shipper or shippers, or owned or leased by applicant, transported in or on standard motor common carrier vehicles, from, to and between all points which applicant is authorized to serve in the transportation of General Commodities, with certain exceptions, as authorized in Certificate No. MC 111383 Sub No. 5. Applicant is authorized to conduct operations in Texas, California, Arizona, and New Mexico.

No. MC 1946 (Sub No. 1), filed July 31, 1959. Applicant: GLEN FRANKLIN THOMAS, doing business as GLEN THOMAS, Route No. 2, Humboldt, Kans. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Feed, in bulk or in bags, from St. Joseph, Mo., to Humboldt, Kans. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: December 8, 1959, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 2774 (Sub No. 2), filed August Applicant: EDWARD H. BUELTEL, doing business as B LINE TRANSFER, Carroll, Iowa. Applicant's representative: John M. Ropes, 734 45th Place, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal feeds, ingredients and materials, in bags and in bulk, from Carroll, Iowa, and points within three (3) miles thereof, to Chicago, Ill., and from Chicago, Ill., to Carroll, Iowa, and points within twenty (20) miles thereof. Applicant is authorized to transport specified commodities between Glidden. Iowa, and points within 20 miles thereof, and Omaha, Nebr.

HEARING: December 17, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Roard No. 52

Board No. 53.
No. MC 16334 (Sub No. 2), filed August 31, 1959. Applicant: ARNOLD E. DEBRICK, doing business as DEBRICK TRUCK LINE, Route No. 2, Paola, Kans.

Applicant's attorney: Floyd D. Strong, 1319 Huntoon, Topeka, Kans. Authority sought to operate as a common carrier. by motor vehicle over irregular routes, transporting: Fertilizer, dry, in bags, and containers, and returned or refused shipments thereof, between St. Joseph and Joplin, Mo., on the one hand, and, on the other, points in Kansas within eight (8) miles of Henson, Kans. Applicant is authorized to transport general commodities with exceptions between Henson, Kans., and points within 8 miles thereof, on the one hand, and on the other, Kansas City, Kans., and Kansas City and North Kansas City, Mo.

HEARING: December 8, 1959, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 21170 (Sub No. 36), filed September 14, 1959. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those injurious or contaminating to other lading, between Conrad, Iowa, and Marshalltown, Iowa, from Conrad over Iowa Highway 185 to junction Iowa Highway 14, thence over Iowa Highway 14 to Marshalltown, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 15, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 22619 (Sub No. 14), filed August 3, 1959. Applicant: PULLEY FREIGHT LINES, INC., East 24th and Easton, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, from Des Moines, Iowa to points in that part of Illinois bounded by a line beginning at the Mississippi River and extending along U.S. Highway 36 to Springfield, Ill., thence along U.S. Highway 66 to Bloomington, Ill., and thence along U.S. Highway 51 to the Illinois-Wisconsin State line, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Wisconsin, Nebraska, Minnesota, Illinois, South Dakota, and Indiana.

Note: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 22619 (Sub No. 9). Applicant has pending a BOR 1 common carrier application in Docket No. MC 117315.

HEARING: December 16, 1959, at the Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Joint Board No. 54.

S516 NOTICES

No. MC 30605 (Sub No. 112), filed July 16, 1959. Applicant: THE SANTA FE TRAIL TRANSPORTATION COM-PANY, a corporation, 433 East Waterman, P.O. Box 56, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago - 4, III. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (1) General commodities, except liquid nitroglycerine, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between junction U.S. Highway 54 and unnumbered county highway, approximately ten (10) miles east of Wichita, Kans., and junction unnumbered county highway and Kansas Highway 15 north of Udall, Kans., over unnumbered county highway, serving the intermediate point of Rose Hill, Kans.; (2) General commodities, except commodities in bulk, livestock, explosives, inflammables, and commodities of unusual value or unusual size and requiring special equipment, between Partridge, Kans., and Pratt, Kans., over Kansas Highway 61, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (3) (a) General commodities, except livestock, sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and those prohibited by law from transportation in motor vehicles, and (b) General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Newton, Kans., and junction Kansas Highway 15 and U.S. Highway 56, approximately one (1) mile south of Lehigh, Kans., over Kansas Highway 15, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (4)(a) General commodities, except livestock, sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and those prohibited by law from transportation in motor vehicles, and (b) General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Kansas Highway 15 and U.S. Highway 56, near Hillsboro, Kans., and Abilene, Kans., over Kansas Highway 15, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (5) General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk. and those requiring special equipment, between junction U.S. Highway 281 and Oklahoma Highway 45 (approximately twelve (12) miles east of Waynoka, Okla.) and junction Oklahoma Highways 45 and 8, at or near Carmen, Okla., over

Oklahoma Highway 45, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. RESTRICTION: (a) The service to be performed by the carrier shall be limited to service which is auxiliary to, or supplemental of, train service of the railway. (b) The carrier shall not render any service to, or from, or interchange traffic at, any point not a station on the railway. (c) In operating under the rights acquired to which these conditions relate, or under a combination of those rights and rights otherwise confirmed in it, the carrier shall not transport any shipment between any of the following points, or through, or to, or from, more than one of said points: Wichita and Hutchinson, Kans., and Pueblo, Colo. (d) All contractual arrangements between the carrier and the railway shall be reported to the Commission and shall be subject to revisions. if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. (e) Such further specific conditions as the Commission in the future may find it necessary to impose in order to insure that the service shall be auxiliary to, or supplemental of, train service of the Railway. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

Note: Common control may be involved. Applicant indicates the restriction specified above is to be in connection with Route 5.

HEARING: December 7, 1959, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 39.

No. MC 31600 (Sub No. 469), filed September 17, 1959. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION. INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Rum, in bulk, in tank vehicles, from Boston, Mass., to Durham and Reidsville, N.C. Applicant is authorized to conduct operations in Rhode Island, Massachusetts, New York, Connecticut, Pennsylvania, New Hampshire, Maine, Delaware, New Jersey, Kentucky, Maryland, Virginia, Ohio, Illinois, Indiana, North Carolina, Michigan, West Virginia, Vermont, South Carolina, and Georgia.

HEARING: November 6, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Maurice S. Bush.

No. MC 31600 (Sub No. 470), filed September 17, 1959. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chocolate and liquid chocolate products, in bulk, in tank vehicles, from Jersey City, N.J., and Philadelphia, Pa., to Memphis, Tenn. Applicant is authorized to conduct operations in Rhode

Island, Massachusetts, New York, Connecticut, Pennsylvania, New Hampshire, Maine, Delaware, New Jersey, Kentucky, Maryland, Virginia, Ohio, Illinois, Indiana, North Carolina, Michigan, West Virginia, Vermont, South Carolina, and Georgia.

HEARING: December 18, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 38921 (Sub No. 3), filed September 2, 1959. Applicant: NEEDHAM'S MOTOR SERVICE, INC., 800 North New York Avenue, Atlantic City, N.J. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ice cream, in vehicles equipped with temperature-control devices, from Woodbridge, N.J., to Mt. Kisco, N.Y., and shipping containers and damaged or unsalable merchandise, on return. Applicant is authorized to transport general commodities, with exceptions, between specified points in Pennsylvania, New Jersey, and New York.

HEARING: December 14, 1959, at 346 Broadway, New York, N.Y., before Ex-

aminer Michael B. Driscoll.

No. MC 42963 (Sub No. 9), filed October 12, 1959. Applicant: DANIEL, HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Missiles, space vehicles, space satellites, launching guidance, monitoring, and control units, and parts thereof, requiring special equipment and handling for their transportation; (2) launching guidance, monitoring and control units, and equipment and parts of such missiles, space vehicles, space satellites, launching guidance, monitoring and control units, when such units and equipment and parts are incidentally transported to, or are transported in connection with, missiles, space vehicles, space satellites, and launching guidance, monitoring and control units, requiring special equipment and handling for their transportation; and (3) shipper-owned or government-owned trailers, empty, in return movement, when such trailers have been used in the outbound transportation of the foregoing commodities, between points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, Arizona, Colorado, Idaho, Illinois, Kansas, Louisiana, Maine, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Wash-ington, Wyoming and California. Applicant is authorized to conduct operations in Missouri, Illinois, Arkansas, Indiana, Iowa, Kentuoky, Tennessee, Ohio, Louisiaha, Oklahoma, and Texas.

HEARING: November 4, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before F. Roy Linn.

No. MC 52110 (Sub No. 68), filed August 7, 1959. Applicant: BRADY MOTORFRATE, INC., 715 Locust Street, Des Moines, Iowa. Applicant's attorney:

Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, and packing house products, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 from Fort Dodge, Iowa, to Decatur, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, and South Daltota.

HEARING: December 16, 1959, at the Federal Office Building, Flifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 59759 (Sub No. 12), filed September 2, 1959. Applicant: JONES TRUCKING COMPANY, 500 West Edgar Road, Linden, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a contract carrier. by motor vehicle, over irregular routes, transporting: (1) Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith, equipment, materials and supplies used in the conduct of such business, between Linden, N.J., and New York, N.Y., on the one hand, and on the other points in Albany, Rensselaer and Schenectady Counties. N.Y., (2) Potato chips, pretzels, salted nuts, and bakery goods, from Philadelphia, Pa., to points in Albany, Rensselaer and Schenectady Counties, N.Y., and returned shipments and containers used in transporting the above commodities on return, (3) such merchandise as is distributed by a premium stamp redemption center in the redemption of trading stamps, and, in connection therewith equipment, materials, and supplies used in the conduct of such business, from the site of the warehouse of Merchants Green Trading Stamp Company in Linden, N.J., to redemption centers in Albany, Rensselaer and Schenectady Counties, N.Y., and returned shipments of the above commodities and premium stamp books with stamps attached and tax moneys, on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract or contracts with Food Fair Stores, Linden, N.J., and Merchants Green Trading Stamp Company, Linden, N.J.

HEARING: December 14, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 59759 (Sub No. 13), filed September 16, 1959. Applicant: JONES TRUCKING CO., a corporation (formerly FOODS PRODUCTS TRUCKING CO.), 500 West Edgar Road, Linden, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: New, used and reconditioned empty drums, between Linden, N.J., on the one hand, and, on the other, points in Connecticut, New York, N.Y., points in Nassau, Suffolk,

Westchester, Orange, Rockland, Putnam, Dutchess, Ulster, Columbia, Greene, Albany, Rensselaer, and Schenectady Counties, N.Y., and points in Philadelphia, Delaware, and Bucks Counties, Pa. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Connecticut, Maryland, and Delaware.

Note: Applicant states the proposed transportation will be under contract with Newark Steel Drum Co., Linden, N.J.

HEARING: December 18, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 61624 (Sub No. 5), filed September 28, 1959. Applicant: KIRBY & KIRBY, INC., 1052 Spruce Street, Trenton 8, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid sugar, corn syrup, or other sweetening agent, and/or blends thereof, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J., and returned, rejected, and damaged shipments of the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, New Jersey, New York, Pennsylvania, and West Virginia.

Note: Applicant has regular route authority in Certificate No. MC 61624, dated November 15, 1956, to transport invert sugar, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J.

HEARING: November 20, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lucian A. Jackson.

No. MC 68349 (Sub No. 26), filed October 5, 1959. Applicant: ROWE TRANS-FER & STORAGE COMPANY, 1319 Webster Avenue SW., P.O. Box 219, Knoxville, Tenn. Applicant's attorney: Hugh A. Tapp, 500 Bruwell Building, Knoxville, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, N.O.S. in special tank containers on government-owned trailers, with or without escorts, and empty government-owned tanks and trailers, between the site of the Savannah River Plant of the Atomic Energy Commission at or near Dunbarton, S.C., and the site of the Oak Ridge Plant of the Atomic Energy Commission at Oak Ridge, Tenn. Applicant is authorized to conduct operations in Tennessee, Georgia, South Carolina, North Carolina, Kentucky, Alabama, Florida, Mississippi, Arkansas, Ohio, Indiana, Virginia, West Virginia, and Pennsylvania.

HEARING: November 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 68807 (Sub No. 29), filed September 28, 1959. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Mineral wool pack-

ages (batts) insulating material, mineral wool (rock or slag) with or without paper backing, plain or saturated, mineral wool insulating material, in packages, such as (rock or slag wool) plain or saturated, cement compound and bituminous concrete, from Hamburg, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, the District of Columbia and those in Ashland, Ashtabula, Athens, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Gallia, Geauga, Guern-sey, Harrison, Holmes, Jefferson, Lake, Lawrence, Lorain, Mahoning, Medina, Meigs, Monroe, Morgan, Muskingum, Noble, Portage, Stark, Summit, Trum-bull, Tuscarawas, Washington, and Wayne Counties, Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

Note: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 68807 (Sub No. 25). Applicant has common carrier authority under Certificate No. MC 105461 and subs thereunder. Dual operations may be involved.

HEARING: November 20, 1959, at the Offices of the Interstate-Commerce Commission, Washington, D.C., before Examiner Herbert L. Hanback.

No. MC 80847 (Sub No. 4) (REPUB-LICATION). Applicant: J. B. ACTON, INC., 2103 Southwest Boulevard, Tulsa, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. By application filed April 28, 1959, the above-named carrier sought a certificate authorizing the transportation of oilfield equipment, machinery, and materials, between points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone. Hearing was held June 19, 1959, at Kansas City, Mo. Briefs have been filed and the proceeding is awaiting issuance of a Joint Board report and order. At the hearing applicant stated its intentions to transport all types of machinery, etc., not restricted to oil-field commodities, and that the commodity description set forth in the application is made up of three separate and distinct elements, namely, oilfield commodities, materials and machinery. The following is a recitation of an Order of the Commission entered in the subject proceeding under date of September 15, 1959: "Upon consideration of the record in the above-entitled proceeding, and of: (1) Joint petition, dated June 25, 1959, of Knaus Truck Lines, Inc., and Middlewest Freightways, Inc., for leave to intervene, for leave to file tendered motion for rehearing or, in the alternative, for further hearing; (2) Tendered motion of Knaus Truck Lines, Inc., and Middlewest Freightways, Inc., dated June 25, 1959, for rehearing or, in the alternative, for further hearing: (3) Joint petition, dated July 3, 1959, of J-T Transport Co., Inc., Cassell Transfer & Storage Co., Monkem Company, Inc.,

Missouri-Arkansas Transportation Co., Inc., Navajo Freight Lines, Inc., Stasi Motor Freight, Graham Ship-By-Truck, and The Luper Transportation Company, Inc., for leave to intervene and for leave to file tendered petition for rehearing or further hearing; (4) Tendered petition of J-T Transport Co., Inc., Cassell Transfer & Storage Co., Monkem Company, Inc., Missouri-Arkansas Transportation Co., Inc., Navajo Freight Lines, Inc., Stasi Motor Freight, Graham Ship-By-Truck, and The Luper Transportation Company, Inc., dated July 3, 1959, for rehearing or further hearing; (5) Joint petition, dated August 1, 1959, of East Texas Motor Freight Lines, Inc., Gillette Motor Transport Inc., Southern-Plaza Express, Inc., and Western Truck Lines, Ltd., for leave to intervene; (6) Reply by applicant, filed August 3, 1959, to petitions in (1), (2), (3), and (4) above; and good cause appearing therefor: It is ordered, That Knaus Truck Lines, Inc., Middlewest Freightways, Inc., J-T Transport Co., Inc., Cassell Transfer & Storage Co., Monkem Company, Inc., Missouri-Arkansas Transportation Co., Inc., Navajo Freight Lines, Stasi Motor Freight, Graham Ship-By-Truck, The Luper Transportation Company, Inc., East Texas Motor Freight Lines, Inc., Gillette Motor Transport, Inc., Southern-Plaza Express, Inc., and Western Truck Lines Ltd., be, and they are hereby, permitted to intervene in said proceeding with the right to appear and participate in all further proceedings therein; It is further ordered, That the tendered motion and petition in (2) and (4) above be, and they are hereby, accepted for filing: It is further ordered: That the proceeding be, and it is hereby, reopened for further hearing at a time and place to be hereafter fixed, solely with respect to the ability of the intervener carriers to provide the proposed service; It is further ordered, That the application be republished in the Feb-ERAL REGISTER; And it is further ordered, That the said motion and petition in (2) and (4) - above be, and they are hereby, denied in all other respects."

HEARING: December 4, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36.

No. MC 93937 (Sub No. 8), filed, August 27, 1959. Applicant: HERBERT ANDERSON, 24 Railroad Avenue, East Northport, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Granulated fertilizer, from Englishtown and Yardville, N.J., to points in Nassau and Suffolk Counties, N.Y., and empty containers or other such incidental facilities, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: December 9, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 95180 (Sub No. 8), filed September 15, 1959. Applicant: HARRY SMOLOWITZ AND MORRIS SMOLOWITZ, doing business as SMOLOWITZ

BROS., 909 Utica Avenue, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, Kansas, Nebraska, Oklahoma, Arkansas, Louisiana, Mississippi, and Colorado. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

Note: Applicant has contract carrier authority under Permit No. MC 109890, dated May 14, 1951. Dual operations under section 210 may be involved.

HEARING: December 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 95920 (Sub No. 13), filed May 11, 1959. Applicant: SANTRY TRUCK-ING COMPANY, a corporation, 11552 Southwest Barbur Boulevard, Portland, Oreg. Applicant's attorney: George R. LaBissoniere, 654 (Central Building, Seattle 4, Wash. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, malt beverage containers and cartons, bottle openers, advertising. matter, brewers yeast and brewery products moving incidentally to the movement of malt beverages, from Olympia, Wash., to points in California, Utah, Nevada, Arizona, and Montana, and empty containers, rejected or spoiled malt beverages, hops in bales, rice, grain, infusorial earth, brewers malt, advertising matter and other brewery ingredients, materials and supplies unspecified, on return. Applicant states the operations are to be performed under a continuing contract with the Olympia Brewing Company. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: December 16, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 103378 (Sub No. 148), filed August 27, 1959. Applicant: PETRO-LEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vegetable oils, fats, and blends thereof, in bulk, in tank vehicles, between points in Hamilton County, Tenn., on the one hand, and, on the other, points in Arkansas, Florida, Michigan, and Kentucky. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Alabama.

HEARING: November 6, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Leo M. Pellerzi.

No. MC 105807 (Sub No. 24), filed August 26, 1959. Applicant: RED BALL TRANSFER CO., a corporation, 1009 Capitol Avenue, Omaha, Nebr. Appli-cant's representative: B. E. Petersen, 1009 Capitol Avenue, Omaha, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denison, Iowa, and Onawa, Iowa, from Denison over Iowa Highway 141 to Ute, Iowa, thence over Iowa Highway 183 to Soldier, Iowa, thence over Iowa Highway 175 to Onawa, and return over the same route serving no intermediate points, but serving Denison, Iowa, and Onawa, Iowa, for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, and Nebraska.

HEARING: December 17, 1959, at the

HEARING: December 17, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 105807 (Sub No. 25), filed August 26, 1959. Applicant: RED BALL TRANSFER CO., a corporation, 1009 Capitol Avenue, Omaha, Nebr. Applicant's representative: B. E. Peterson, 1009 Capitol Avenue, Omaha, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Missouri Valley, Iowa and junction U.S. Highways 30 and 275, near Fremont, Nebr., over U.S. Highway 30, serving no intermediate points, but serving Missouri Valley, Iowa and junction U.S. Highways 30 and 275 for joinder purposes only, as an alternative route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, and Nebraska.

HEARING: December 11, 1959, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 138.

No. MC 105807 (Sub No. 26), filed August 28, 1959. Applicant: RED BALL TRANSFER CO., a Nebraska corporation, 1009 Capitol Avenue, Omaha, Nebr. Applicant's representative: B. E. Peterson, 1009 Capitol Avenue, Omaha, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, Commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, between junction U.S. Highway 6 and

National Interstate Highway 35 and Clarinda, Iowa, from junction U.S. Highway 6 and National Interstate Highway 35 over National Interstate Highway 35 over National Interstate Highway 35 and U.S. Highway 34, thence over U.S. Highway 34 to Osceola, thence over U.S. Highway 69 to Leon, thence over Iowa Highway 2 to Clarinda, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Nebraska, Missouri, Kansas, Iowa, Illinois, Indiana, and Colorado.

HEARING: December 17, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 106400 (Sub No. 21), filed September 3, 1959. Applicant: KAW TRANSPORT COMPANY, a Missouri corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Petroleum and petroleum products, such as crude oil and petroleum products requiring heat in transit, including but not by way of limitation, asphalts, residual fuels and gas oil or slurry oil, in bulk, in specialized vehicles, between Augusta, Chanute, Coffeyville, Eldorado, Neodesha, McLouth, Potwin, Arkansas City, and Wichita, Kans., and points within ten miles of each, on the one hand, and, on the other, points in Missouri; (2) petroleum and petroleum products, between Kansas City, Kans., and points in Kansas within 10 miles thereof on the one hand, and, on the other, points in Missouri more than 185 miles from Kansas City, Mo. Applicant is authorized to conduct operations in Missouri, Kansas, Iowa, Nebraska, and Oklahoma.

Note: Duplication should be eliminated.

HEARING: December 2, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 180.

No. MC 106400 (Sub No. 23), filed September 14, 1959. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal tar products, in bulk, in tank vehicles, from Granite City, Ill., and points in the St. Louis, Mo., Commercial Zone, to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and rejected shipments of coal tar products, on return. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Iowa, Oklahoma, Arkansas, and Illinois.

Note: Applicant's President is also President of Blue Valley Transfer Co., holding contract carrier authority in permit No. MC 1499; therefore, dual operations and common control may be involved.

HEARING: December 1, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No.

No. MC 106400 (Sub No. 24), filed September 28, 1959. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in specialized vehicles, between the site of the Great Lakes Pipe Line Terminal at or near Olathe in Johnson County, Kans., on the one hand, and, on the other, points in Missouri. Applicant is authorized to conduct operations in Kansas,_ Missouri, Nebraska, Iowa, Oklahoma, Arkansas, and Illinois.

Note: Common control, and section 210, dual operations may be involved.

HEARING: December 2, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36

No. MC 106497 (Sub No. 16), filed October 8, 1959. Applicant: PARKHILL TRUCK COMPANY, a corporation, 1579 East 21st Street, Tulsa 14, Okla. Applicant's attorney: Carll V. Kretsinger. Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Missiles, space vehicles, space satellites, launching guidance, monitoring, and control units, and parts thereof, requiring special equipment and handling for their transportation; (2) Launching, guidance monitoring and control units, and equipment and parts of such missiles, space vehicles, space satellites, launching guidance, monitoring, and control units, when such units and equipment and parts are transported incidental to, or are transported in connection with, missiles, space vehicles, space satellites. and launching, guidance monitoring, and control units, requiring special equipment or handling for their transportation; and (3) Shipper-owned or, government-owned trailers or transtainers empty in return movement, when such trailers or transtainers have been used in the outbound transportation of the foregoing commodities; between points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, New Mexico. Oklahoma, Texas, Wyoming, Illinois and Indiana, on the one hand, and, on the other, points in Alabama, Arizona, California, Florida, Georgia, Idaho, Kentucky, Maine, Mississippi, Maryland, Nevada, Nebraska, New York, North Carolina, North Dakota, Oregon, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Washington. Applicant is authorized to conduct operations throughout the United States except in California and Alaska.

HEARING: November 4, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 106644 (Sub No. 37), filed October 12, 1959. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Belford Place NE., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Au-

thority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Missiles, space vehicles, space satellites, launching guidance, monitoring, and control units, and parts thereof, requiring special equipment and handling for their transportation; (2) launching guidance, monitoring and control units, and equipment and parts of such-missiles, space vehicles, space satellites, launching guidance, monitoring, and control units, when such units and equipment and parts are transported incidental to, or are transported in connection with missiles, space vehicles, space satellites, and launching guidance, monitoring, and control units, requiring special equipment and handling for their transportation; and (3) shipper-owned or government-owned trailers, empty, in return movement, when such trailers have been used in the outbound transportation of the foregoing commodities, (1) between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, Texas, and (2) between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, Texas, California, Kentucky, Virginia, Ohio, Indiana, on the one hand, and, on the other, points in Arizona, California, Colorado, Florida, Idaho, Illinois, Kansas, Louisiana, Maine, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Note: Applicant holds contract carrier authority in Permit No. MC 104724 and sub numbers thereunder. Section 210, dual operations, may be involved.

HEARING: November 4, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 106775 (Sub No. 12), filed October 8, 1959. Applicant: HEAVY HAULERS, INC., 2701 Bataan, P.O. Box 267, Dallas, Tex. Applicant's attorney: James W. Hightower, Suite 122, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: (1) Machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of, natural gas and petroleum and their products and by-products, water, sulphur and its products. (2) Machinery materials, equipment and supplies, used in or in connection with the construction; operations, repair, servicing, maintenance, and dismantling of all types and kinds of pipe lines, including the stringing and picking up thereof. (3) Logging and mining machinery equipment, attachments and supplies. (4) Heavy machinery, parts and attachments. (5) Tractors, other than conventional truck tractor. (6) Commodities, the loading. unloading or transportation of which,

because of size, weight, or shape, require the use of special equipment, special rigging, or special handling. (7) Contractors equipment and contractors equipment attachments. (8) Road and bridge building machinery and equipment. (9) Construction machinery and equipment as defined by the Commission in Appendix VIII to MC-45, 61 M.C.C. 286. (10) Pipe, other than oilfield. (11) Fur and hides. Between points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming, on the one hand, and, on the other points in Alaska. Applicant is authorized to conduct operations in Arizona, Colorado, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Utah.

HEARING: December 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Frank R. Saltzman.

No. MC 106965 (Sub No. 135), filed October 1, 1959. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place, NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid and invert sugar, and blends of liquid sugar and corn syrup, in bulk, in tank vehicles, from Richmond, Va., to points in Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

Note: Common control and dual operations under section 210 may be involved.

HEARING: November 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 107107 (Sub No. 128), filed September 8, 1959. Applicant: ALTER-MAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Meats, meat poducts, and meat by-products; and (2) Dairy products, and articles distributed by meat packing houses, as defined by the Commission, from Danville, Ill., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine; Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island. South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 107107 (Sub No. 133), filed October 8, 1959. Applicant: ALTERMAN TRANSPORT LINES INC., 2424 Northwest 46th Street, P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Bakery products, unfrozen, requiring refrigeration in transit; and (2) dairy products as described by the Comission, from Washington, D.C., to points in North Carolina, South Carolina, and Georgia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana. Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 20, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Michael B. Driscoll.

No. MC 107171 (Sub No. 24), March 9, 1959. Applicant: JULIANA BROS., INC., 39 Main Street, South Portland, Maine. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, bananas, nuts, frozen eggs, frozen fish and seafood, frozen poultry, and frozen rabbits, from points in New York, Massachusetts, Maine, and New Jersey to points in Pennsylvania, Connecticut, Massachusetts. New York, Maine, Rhode Island, and New Jersey. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New York, and Pennsylvanja.

Note: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act. Any duplication with present authority to be eliminated.

HEARING: December 2, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 107171 (Sub No. 25), filed August 31, 1959. Applicant: JULIANO BROS., INC., 39 Main Street, South Portland, Maine. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat and frozen foods, (1) from Philadelphia, Pa., to Boston, Mass., and points in Maine, (2) from points in New York, N.Y., Commer-ing Room, 410 Southwest 10th Avenue,

HEARING: December 3, 1959, in Room cial Zone as defined by the Commission and Newark, N.J., to Boston, Mass., and points in Maine and (3) from Springfield and Worcester, Mass., to Philadelphia, Pa. Applicant is authorized to conduct operations in Maine, Massachusetts, New Jersey, New York, and Pennsylvania.

HEARING: December 3, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 107465 (Sub No. 1), filed August 26, 1959. Applicant: STAR LUM-BER CARRIERS CORP., 1150 Grand Street, Brooklyn 11, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New-York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, lumber mill products and wallboard, from the New York, N.Y., Commercial Zone as defined by the Commission, to points in Connecticut, New Jersey, and New York, and refused or rejected shipments of the above-described commodities, on return, Applicant is authorized to conduct operations in New York, Connecticut, and New Jersey.

Note: Duplication to be eliminated.

HEARING: December 10, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 107500 (Sub No. 43), filed September 8, 1959. Applicant: BURLING-TON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between the junction of U.S. Highways 61-218, near Montrose, Iowa, and Mt. Pleasant, Iowa, over U.S. Highway 218, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Nebraska, Missouri, Illinois, Iowa, Kansas, and Wyoming.

- HEARING: December 18, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint

Board No. 92.

No. MC 107643 (Sub No. 50), filed July 21, 1959. Applicant: ST. JOHNS MO-TOR EXPRESS CO., 7220 North Burlington, Portland, Oreg. Applicant's attorney: John M. Hickson, Yeon Building. Portland 4, Oreg. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Acid, chemicals and chemical solutions, and rejected shipments, in bulk, in tank vehicles, between points in Oregon and Washington, on the one hand. and, on the other, points in North Dakota, Wyoming, Colorado, and Nevada. Applicant is authorized to conduct operations in Idaho, Oregon, and Wash-

HEARING: December 14, 1959, at the Interstate Commerce Commission HearPortland, Oreg., before Examiner F. Roy Linn.

No. MC 109947 (Sub No. 26), filed October 5, 1959. Applicant: WARSAW TRUCKING CO., INC., R.R. No. 5, Warsaw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Animal and poultry feed, paint, animal and poultry tonics and medicines, insecticides, and advertising matter and premiums used in the sale and distribution of the above-described commodities, and stock feeds, and premium merchandise and advertising matter distributed in connection with the sale of stock feeds, from the plant site of the Moorman Manufacturing Company located at Alpha, Ill., to points in Indiana, points in that part of Ohio west of a line formed by the eastern boundaries of Lorain, Ashland, Knox, Licking, Perry, Hocking, Vinton, Jackson, and Scioto Counties, Ohio, and to those points in the southern peninsula of Michigan on and south of Michigan Highway 55. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin.

Note: A Proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 109947 (Sub No. 22).

HEARING: December 11, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 110283 (Sub No. 9), filed August 27, 1959. Applicant: PAUL ABLER, doing business as CENTRAL TRANS-PORT COMPANY, Box 596, 100 22d Drive, Route 3, Norfolk, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Yankton, S. Dak., and points within 10 miles thereof and Sloux City, Iowa, and points within 10 miles thereof to points in Wayne, Stanton, Madison, Pierce, Antelope, Knox, Cedar, Dixon, Dakota, and Boone Counties, Nebr., and rejected and contaminated shipments of the above commodities on return. Applicant is authorized to conduct operations in Kansas, Nebraska, and Iowa.

Note: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 110283 (Sub

HEARING: December 11, 1959, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 185.

No. MC 110698 (Sub No. 129), filed October 2, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Road, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chocolate and liquid

chocolate products, in bulk, in tank vehicles, from Philadelphia, Pa., to points in North Carolina, Kentucky, Tennessee, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: December 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy. No. MC 111812 (Sub No. 85), filed

August 24, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Animal food, from Ottumwa, Iowa, to points in Illinois, Minnesota, and Wisconsin; and (2) meats, packing house products and commodities used by packing houses, as described in Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, between St. James, Minn., and Waterloo, Iowa. Applicant is authorized to conduct operations in California, Connecticut, Idaho, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, and Washington.

HEARING: December 11, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 112846 (Sub No. 24), filed October 8, 1959. Applicant: CLARE M. MARSHALL, INC., P.O. Box 611, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, as described in Appendix XIII of the Report in Description in Motor Carrier Certificates, 61 M.C.C. 209, from Petrolia, Pa., and points within three (3) miles thereof from Franklin, Pa., and points within three (3) miles thereof, and from the site of Wolf's Head Oil Refining Co. plant, Reno, Venango County, Pa., to Baltimore, Md. Applicant is authorized to conduct operations in Delaware, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: December 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 113459 (Sub No. 17) (REPUB-LICATION), filed July 20, 1959, published Federal Register issue of September 23, 1959. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720

James W. Hightower, Suite 122, Wynnewood Professional Building, Dallas 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, lumber and wood products, from points in Galletin, Meagher, Missoula, and Park Counties, Mont., to points in Illinois and Iowa, and empty skids and empty containers or other such incidental facilities, used in transporting the above-mentioned commodities and damaged or rejected or returned shipments thereof, on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Iowa, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

Nore: The purpose of this republication is to include Missoula County, Mont.

HEARING: Remains as assigned November 12, 1959, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 113832 (Sub No. 16), filed October 7, 1959. Applicant: SCHWER-MAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's representative: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cement, in bulk and in bags, from the plant site of the Penn-Dixie Cement Corporation located in or near Clinchfield, Ga., to points in Cleburne, Clay, Randolph, Coosa, Tallapoosa, Chambers, Elmore, Macon, Lee, Montgomery, Bullock, Russell, Crenshaw, Pike, Barbour, Covington, Coffee, Dale, Henry, Geneva, and Houston Counties, Ala., to points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Union, Bradford, Alachua, Marion, Citrus, Hernando, Pasco, Sumter, Nassau, Duval, Clay, Putnam, Lake, Saint Johns, Flag-ler, Volusia, Seminole, Orange, and Brevard Counties, Fla., and to all points in Georgia and South Carolina, and empty containers or other such incidental facilities, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

Note: The above operations are to be performed under a continuing contract with the Penn-Dixie Cement Corporation, New York, N.Y.

HEARING: November 12, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Leo M. Pellerzi.

No. MC 113832 (Sub No. 17), filed October 7, 1959. Applicant: SCHWER-MAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's representative: James R. Ziperski, 620 South 29th St., Milwaukee 46, Wis. Authority sought to operate as a con-South Shields Boulevard, Oklahoma tract carrier, by motor vehicle, over ir-City 9, Okla. Applicant's attorney: regular routes, transporting: Cement, in 8522 NOTICES

bulk and in bags, (1) from the plant site of the Penn-Dixie Cement Corporation located in or near Kingsport, Tenn., to points in Fayette, Clark, Montgomery, Bath, Rowan, Carter, Boyd, Lawrence, Elliott, Martin, Johnson, Morgan, Menifee, Powell, Madison, Jessamine, Garrard, Lincoln, Rockcastle, Estill, Lee, Wolfe, Magoffin, Floyd, Pike, Knott, Perry, Breathitt, Owsley, Jackson, Perry, Breathitt, Owsiey, Jacobs, Pulaski, Laurel, Clay, Leslie, Letcher, Harlan, Bell, Knox, Whitley, McCreary, and Wayne Counties, Ky.; points in Wayne, Cabell, Putnam, Kanawha, Lincoln, Boone, Logan, Mingo, Clay, Nicholas, Fayette, Raleigh, Wyoming, McDowell, Mercer, Summers, Greenbrier, and Monroe Counties, W. Va.; and points , and Wisconsin. in Giles, Montgomery, Floyd, Patrick, Pulaski, Bland, Wythe, Carroll, Tazwell, Smyth, Grayson, Washington, Russell, Buchanan, Dickenson, Wise, Scott, and Lee Counties, Va.; and points in Union, Towns, Rabun, White, Habersham, and Stephens Counties, Ga.; and points in Tennessee, South Carolina, and North Carolina, and (2) from the plant site of the Penn-Dixie Cement Corporation located in or near Richard City, Tenn., to points in Fulton, Hickman, Graves, Marshall, Calloway, Lyon, Trigg, Caldwell, Webster, Hopkins, Christian, Mc-Lean, Muhlenberg, Todd, Ohio, Butler, Logan, Edmonson, Warren, Simpson, Hart, Barren, Allen, Green, Metcalfe, Monroe, Adair, Cumberland, Casey, Russell, Clinton, Boyle, Pulaski, Wayne, Lincoln, McCreary, Garrard, Rock-castle, Laurel, Whitley, Jessamine, Fayette, Madison, Estill, Jackson, Lee, Owsley, Clay, Knox, Bell, Breathitt, Perry, Leslit, Harlan, Magoffin, Knott, Letcher, Johnson, Flord, Mortin, and Letcher, Johnson, Floyd, Martin, and Pike Counties, Ky., and points in Buchanan, Russell, Washington, Dickenson, Wise, Scott, and Lee Counties, Va., and points in Lauderdale, Colbert, Franklin, Marion, Lamar, Limestone, Lawrence, Winston, Walker, Fayette, Tuscaloosa, Madison, Morgan, Cullman, Blount, Jefferson, Shelby, Bibb, Chilton, Jackson, Marshall, De Kalb, Etowah, Cherokee, St. Clair, Calhoun, Cleburne, Talladega, Clay, Randolph, Coosa, Tallapoosa, Chambers, Elmore, Lee, Macon, Montgomery, Bullock, Russell, and Barbour Counties, Ala.; and points in Marshall, Benton, Tippah, Alcorn, Union, Prentiss, Tishomingo, Pontotoc, Lee, and Itawamba Counties, Miss., and to all points in Georgia, South Carolina, North Carolina, and Tennessee, and empty containers or other such incidental facilities, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, and Wis-

Note: The above operations are to be performed under a continuing contract with the Penn-Dixie Cement Corporation, New York, N.Y.

HEARING: November 12, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Leo M. Pellerzi.

No. MC 113833 (Sub No. 4) (REPUB-LICATION), filed July 27, 1959, published Federal Register issue of October

South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cement, in bulk, and in packages, from the plant site of Universal Atlas Cement, Division of United States Steel Corporation in Buffington, Ind., to Muskegon, Mich., and points in Allegan, Barry, Eaton, Ingham, Livingston, Van Buren, Kalamazoo. Calhoun, Jackson, Washtenaw, Berrien, Cass, St. Joseph, Branch, Hillsdale, Kent, and Lenawee Counties, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Ohio,

Note: The operation is to be performed under a continuing contract with the abovenamed shipper.

Nore: The purpose of this republication is to include Kent County, Mich.

HEARING: Remains as assigned November 10, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 23.

No. MC 113855 (Sub No. 39), filed September 24, 1959. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New construction, road-building, earth-moving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors (not including truck tractors), and pipelayers, and when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, generators, internal combustion engines, and generators and engines combined, and accessories, attachments, and parts of or for the above-specified equipment and machinery, (a) from points in Illinois, Iowa, and Wisconsin to points in Washington, Oregon, Idaho, Wyoming, Montana, South Dakota, and North Dakota, and (b) from points in Illinois (except Aurora, Mattoon, Deerfield, Quincy, Peoria, Decatur, Joliet, and Springfield), and points in Iowa, to points in California, Nevada, Arizona, and Utah. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 1, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 113908 (Sub No. 58), filed September 8, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorneys: Chinn and White, 608 Woodruff Building, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aqueous choline chloride, in bulk, in tank vehicles, from Springfield, Mo., to Hampshire, Ill., and Mound Ridge, Kans. Applicant is authorized to conduct operations in Florida, Illinois, 1, 1959. Applicant: SCHWERMAN Indiana, Iowa, Kansas, Kentucky, Michi-this application. Applicant further states ITRUCKING CO. OF INDIANA, INC., 620 gan, Minnesota, Missouri, Nebraska, that the purpose of this application is to en-

Ohio, South Dakota, Tennessee, Texas, and Wisconsin.

HEARING: December 1, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 195.

No. MC 113950 (Sub No. 3), filed, September 5, 1959. Applicant: SAMUEL COHEN AND HERBERT PEETZ, doing business as NATIONAL TRUCKING CO., 215 North Ninth Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: Motor cycles and motor scooters, from all piers on the Hudson and East Rivers, N.Y., and those located in Brooklyn and Staten Island, N.Y., to Teterboro, N.J. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York. HEARING: December 16, 1959, at 346

Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 114045 (Sub No. 55), filed August 14, 1959. Applicant: R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chocolate coating, chocolate syrup, liquor chocolate, cocoa powder and confectionary products, in me-chanically refrigerated vehicles from New York, N.Y., Jersey City, N.J., and Philadelphia, Pa., to points in Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Georgia, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

HEARING: November 30, 1959, at 346 Broadway, New York, N.Y., before Ex-

aminer Michael B. Driscoll.

No. MC 114123 (Sub No. 20), filed August 25, 1959. Applicant: HERMAN R. EWELL, INC., East Earl, Lancaster County, Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid and invert sugar, in bulk, in tank vehicles, from New York, N.Y., to Martinsburg, W. Va., Berryville, Mount Jackson, Timberville, and Winchester, Va., and exempt agricultural commodities, such as fresh fluid milk, on return movements. Applicant is authorized to conduct operations in Illinois, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

Note: Applicant states it presently has authority to transport mixtures of corn syrup and liquid and invert sugar, in bulk, in tank vehicles, from Yonkers, N.Y., to the destina-tion points involved in this application, and liquid sugar from the plant site of Refined Syrups and Sugars, incorporated, in Yonkers, N.Y., to the destination points involved in

able it to transport liquid and invert sugar from all points in New York, N.Y., to the destination points involved in this application. If the application is granted, any duplicating authority held by applicant will be surrendered. Applicant also has contract carrier authority under MC 118661. Dual authority under section 210 may be involved.

HEARING: December 1, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 114447 (Sub No. 7), filed September 8, 1959. Applicant: DONALD W. CLAUSE AND ERMA CLAUSE, doing business as MOTOR FREIGHT COM-PANY, 1305 North Fourth Street, Lakeview, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Yellow cake (ground uranium ore or concentrate) in drums, from Lakeview, Oreg., to the Atomic Energy Commission at Grand Junction, Colo., (2) sodium chlorate, from points in Clark County, Nev., to points in Lake County, Oreg., (3) Soda ash, from points in San Bernardino and Inyo Counties, Calif., to points in Lake County, Oreg., and (4) mining machinery and parts, between points in Lake County, Oreg., and Grand Junction, Colo. Applicant is authorized to conduct operations in California, Nevada, and Oregon.

HEARING: December 18, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 114569 (Sub No. 25), filed September 29, 1959. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Frozen fruits, berries and vegetables, from points in California, Idaho, Oregon and Washington to Wilmington, Del., Baltimore and Andover, Md., Washington, D.C., and points in the Commercial Zone thereof, as defined by the Commission, points in Monmouth, Mercer, Burlington, Ocean, Camden, Glouster, Salem, Cumberland, Atlantic, and Cape May Counties, N.J., and those in Pennsylvania; (2) Confectionery, and related chocolate products, from points in Derry Township, Dauphin County, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Louisiana, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

Note: Dual operations may be involved. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 55813 (Sub No. 5).

HEARING: December 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 116077 (Sub No. 70), filed September 11, 1959. Applicant: ROBERT-SON TANK LINES, INC., 5700 Polk Avenue, P.O. Box 9218, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858 (Brown Building), Austin, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Clay, clay slurry, and clay products, in bulk, in specialized equipment, from points in Twiggs County, Ga., to points in Alabama, Florida, Tennessee, North Carolina, South Carolina, Virginia, and Maryland. Applicant is authorized to conduct operations in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Idaho, Kentucky, Kansas, Louisiana, Mississippi, Missouri, Minnesota, Montana, Nebraska, North Dakota, New Mexico, North Carolina, Ohio, Oregon, Oklahoma, South Carolina, South Dakota, Texas, Tennessee, Utah, Wyoming, West Virginia, Wisconsin, and Washington.

HEARING: November 4, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Leo M. Pellerzi.

No. MC 116686 (Sub No. 1) (CORREC-TION), filed August 10, 1959, published FEDERAL REGISTER issue of October 7, 1959. Applicant: BROWN BROS. DE-LIVERY SERVICE, INC., 350 Hicksville Road, Bethpage, Long Island, N.Y. Applicant's attorney: Arthur J. Piken. 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, and returned, rejected and re-fused shipments, of new furniture, between points on Long Island, N.Y., on the one hand, and, on the other, points in New Jersey. Applicant is authorized to conduct operations in New Jersey and New York.

Note: Previous publication carried the incorrect address of applicant. The address shown above is correct.

HEARING: Remains as assigned November 18, 1959, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Maurice S. Bush.

No. MC 116721 (Sub No. 1) (COR-RECTION), filed July 30, 1959, published issue Federal Register October 1, 1959. Applicant: BIG T TRUCKING CORP., 6102 20th Avenue, Brooklyn 4, N.Y. Applicant's representative: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Clay sewer pipe and fittings therefor, clay coping, and clay flue linings, from points in Hillsborough Township, Somerset County, N.J., to points in Pennsylvania, Connecticut, New York, Massachusetts, Rhode Island, Vermont, Maine, New Hampshire, Maryland, Delaware, Ohio, and the District of Columbia, and returned, rejected, or refused shipments of the above-specified commodities on return.

RESTRICTION: The proposed transportation is to be performed under a continuing contract or contracts with

American Vitrified Products Co., Cleveland, Ohio.

Note: Applicant states no transportation is to be performed to or from points in Ohio west of U.S. Highway 23. Applicant is authorized to conduct operations in New York and Ohio. Inadvertently the return movement was not shown in the previous publication.

HEARING: Remains as assigned November 9, 1959, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 117427 (Sub No. 5), filed September 17, 1959. Applicant: G. G. PARSONS, doing business as G. G. PARSONS TRUCKING COMPANY, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dehydrated or sun cured alfalfa meal and pellets, from points in Clark County, Ohio and Allen County, Ind., to points in North Carolina, South Carolina, Virginia, Georgia, and Florida. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

Note: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116145. Dual operations under section 210 may be involved.

HEARING: December 10, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 117427 (Sub No. 6), filed September 17, 1959. Applicant: G. G. PAR-SONS, doing business as G. G. PARSONS TRUCKING COMPANY, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Feed ingredients (animal and poultry), from Decatur, Portland, Hebron, and Indianapolis, Ind., Gibson City, Chicago, and Springfield, Ill., Detroit, Mich., and from Marion and Toledo, Ohio, to points in North Carolina, South Carolina, Georgia, Virginia, and Florida. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

Note: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116145. Dual operations under section 210 may be involved.

HEARING: December 10, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 117427 (Sub No. 7), filed September 22, 1959. Applicant: G. G. PARSONS, doing business as G. G. PARSONS TRUCKING COMPANY, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortmen, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: Hard-wood flooring, from points in Ashe County, N.C., to points in New Jersey, New York, N.Y., Commercial Zone, as defined by the Commission, Philadelphia, Pa., and Baltimore, Md. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

Note: Applicant is authorized to conduct operations as a contract carrier in Fermit No. MC 116145 and Sub 2 thereunder; therefore dual operations may be involved.

HEARING: December 10, 1959, in Room 352, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 118040 (Sub No. 1), filed June 1, 1959. Applicant: A. S. ELLIOTT, doing business as ELLIOTT FRUIT & GROCERIES, 401 Elm Street, Salina, Kans. Applicant's attorney: Fleyd D. Strong, 214 Insurance Building, 701 Jackson Street, Topeka, Kans. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Highway salt (or ice-control salt), from Hutchinson, Lyons, and Kanopolis, Kans., to points in Colorado, and returned and rejected shipments of the above-specified commodity on return; together with Petition to Dismiss application and to declare operations to be those of a private carrier.

HEARING: December 7, 1959, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 43.

No. MC 118540 (Sub No. 1), filed August 6, 1959. Applicant: JACOBSEN BROS. INC., 833 McClaine Street, Silverton, Oreg., Applicant's attorney: John M. Hickson, Failing Building, Portland 4, Oreg. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and lumber products, from points in Montana to points in Idaho, Utah, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, and Iowa; and rejected shipments of lumber and lumber products, and exempt commodities, on return.

HEARING: December 15, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 118963 (Sub No. 1), filed August 10, 1959. Applicant: CHARLES L. PHILLIPS, 928 South Glenstone, Springfield, Mo. Applicant's attorney: Turner White, 803 Woodruff Building, Springfield, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Erick, sewer tile and concrete block, from Coffeyville, Iola, Weir City, and Pittsburg, Kans., and Collinsville and Tulsa, Okla., to points in Barry, Camden, Christian, Dade, Douglas, Greene, Laclede, Lawrence, Phelps, Polk, Pulaski, Stone, Taney, Webster, and Wright Counties, Mo.

HEARING: December 3, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 180.

No. MC 118985 (Sub No. 2), filed August 10, 1959. Applicant: CADDELLS, INC., 6703 Appleton, Raytown, Mo. -Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sand and gravel, in bulk, from Muncie, Kans., and points within 5 miles thereof, to points in Missouri west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 63 to junction with Missouri State Highway 22, thence east along Missouri State Highway 22 to junction U.S. Highway 54 at Mexico, Mo., thence south along U.S. Highway 54 to junction U.S. Highway 63 at Jefferson City, Mo., thence south along U.S. Highway 63 to the Missouri-Arkansas State line, including all points on highways specified.

HEARING: December 3, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36.

No. MC 118993 (Sub No. 2), filed August 13, 1959. Applicant: L. R. McDONALD & SONS, LTD., 843 Sydney Street, Cornwall, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer, in bags, between ports of entry on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in New York, and damaged and rejected shipments of the above-specified commodity on return. Applicant states the service shall be restricted to the transportation of property moving to and from points in Canada in foreign commerce, and indicates the ports of entry to be utilized are those located on the boundary between Ontario, Canada, and New York.

HEARING: December 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119124, filed August 3, 1959. Applicant: CHARLES R. DODSON, 1900 W. Boulevard, Mexico, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a common cartier, by motor vehicle, over irregular routes, transporting: Dry fertilizer and fertilizer compounds, from East St. Louis, Ill., to points in Audrain County, Mo., and damaged, rejected, or returned shipments, on return.

HEARING: November 30, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119137, filed August 10, 1959. Applicant: NORBERT A. HAVERKAMP, Horton, Kans. Applicant's attorney: Michael A. Barbara, V.F.W. Building. Room 304, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid bulk fertilizer, in tank vehicles, between points in Iowa, Kansas, and Nebraska.

HEARING: December 9, 1959, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 139.

No. MC 119141, filed August 10, 1959. Applicant: JOHN W. GILMORE AND EVELYN GILMORE doing business as C & G FEED & SUPPLY, Fruitland, Mo. Applicant's attorney: Robert M. Buerkle, Exchange Bank Building, Jackson, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Feeds, fertilizers and other like commodities, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Perry, Cape Girardeau, Stoddard, Pemiscott, Dunklin, Mississippi, Scott, and New Madrid Counties, Mo.

Note: Applicant indicates it will transport livestock on return.

HEARING: November 30, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119145 (Sub No. 1), filed August 21, 1959. Applicant: EDWIN E. FORSBLOM, doing business as FORSBLOM TRANSPORTATION, Hankins, N.Y. Applicant's representative: Carl W. Clark, 7 Hayden Street, Binghamton, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over trregular routes, transporting: (1) Corn sugar syrup, from New York, N.Y., and Maywood, N.J., to Hancock, N.Y. (2) Empty drums, paper liners and plastic liners, from New York, N.Y., and Teterboro, N.J., to Hancock, N.Y. (3) Fresh meat, in shipper's refrigerated trailers, from Liberty, N.Y., to New York, N.Y., and Philadelphia, Pa., and empty shipper-owned trailers on return. (4) Casine, and sodium casenite, between Jersey City, N.J., and New York and Hancock, N.Y.

Note: Applicant states carrier will furnish tractor and driver for the fresh meat in shipper's refrigerated trailers.

HEARING: December 1, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119164, filed August 18, 1959. Applicant: J-E-M TRANSPORTATION COMPANY, INC., P.O. Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Grain and grain products, animal and poultry feed, in bulk, in special vehicles equipped with special mechanical blowers discharge equipment, from Bordentown, N.J. to points in Westchester, Putnam, Rockland, Ulster, Sullivan, and Orange Counties, N.Y., and points in Pike, Wayne, Lackawanna, Luzerne, and Wyoming Counties, Pa, and returned, rejected and refused shipments of the above-described commodities, on return.

HEARING: December 9, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119168, filed August 20, 1959. Applicant: PERISHABLE DISTRIBUTING CO., INC., 101 Lombard Street, St. Louis 2, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: Meats, meat products, and packing house products, in refrigerated vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to Alton, Collinsville, Belleville, Hartford, Cottage Hills, Edwardsville, Wood River, Roxana, Godfrey, Bethalto, Scott Field, and O'Fallon, Ill., and empty containers or other such incidental facilities used in transporting the above-described commodities, and refused or rejected shipments thereof, on return.

HEARING: December 1, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board

No. 135.

No. MC 119181, filed August 27, 1959. Applicant: BERNARD NALLY AND ED-GAR C. HANDY, doing business as N & H TRUCKING CO., Fowler, Ind. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Used farm tractors and used agricultural machinery, implements and parts, as described in Appendix 12 to the report in the Descriptions in Motor Carrier Certificate 61 M.C.C. 209, and empty containers or other such incidental facilities, used in transporting the above-described commodities, between points in Illinois, Indiana, Iowa, Ohio, Wisconsin, South Dakota, Minnesota, and Nebraska.

HEARING: November 30, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Ex-

aminer James I. Carr.

No. MC 119183, filed September 30, 1959. Applicant: SULCO FREIGHT, INC., P.O. Box, Shunk, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street. Philadelphia 2, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between the Townships of Elkland, Forks, Fox, Hillsgrove, and Shrewsbury in Sullivan County, Pa., on the one hand, and, on the other, points in Virginia, West Virginia, Kentucky, Michigan, Indiana, Illinois, Missouri, and Wisconsin.

HEARING: December 3, 1959, at the

Offices of the Interstate Commerce Commission, Washington, D.C., before Ex-

aminer Leo W. Cunningham.

No. MC 119192, filed September 1, 1959, Applicant: EASTERN DELIVERY SERVICE, INC., 880 Bergen Avenue, Jersey City, N.J. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: General commodities, in retail store delivery service, restricted to packages not exceeding 100 pounds each, from Hackensack, N.J., to points in West-chester and Rockland Counties, N.Y., and rejected shipments of the above-described commodities, on return.

Note: Applicant states the proposed transportation service shall be limited to service

under continuing contract or contracts with Federated Department Stores, Incorporated Brothers Division), Appli-(Bloomingdale cant indicates its President and Treasurer is also Treasurer of Bridgeport United Delivery, MC 116299, transporting general commodities with exceptions, between specified points in Connecticut, restricted to shipments weighing not in excess of 50 pounds; also President of Suburban Delivery Company, Incorporated, MC 114518, transporting general commodities, with exceptions, in retail store delivery service restricted to packages of 100 pounds or less, between Stamford, Conn. and points in Westchester County, N.Y.; therefore, common control may be involved.

HEARING: December 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119201, filed September 9, 1959. Applicant: FRIOCAL TRANSPORT & LEASING CORP., a New Jersey corporation, 2231 Linden Avenue, Linden, N.J. Applicant's attorney: Jerome G. Greenspan, 404 Clarendon Road, Uniondale, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cheese and cheese products, under regulated refrigeration, from points in an area bounded on the north by an imaginary line drawn through Blanchardville, Dayton, Union and Fulton, on the east by U.S. Highway 51, on the south by Wisconsin State line, and on the west by Wisconsin Highway 23, in the Counties of Lafayette, Green, Rock, Dane, and Iowa. in the State of Wisconsin to Chicago, Ill., Youngstown, Ohio, Pittsburgh, Oley, and Philadelphia, Pa., Buffalo, Syracuse, Waverly, Waterford, Albany, Mt. Kisco, and New York, N.Y., Washington, D.C., Baltimore, Md., Linden, Kearney, Rutherford, and Jersey City, N.J., and empty containers or other such incidental facilities used in transporting the above specified commodities on return.

HEARING: November 30, 1959, at 346 Broadway, New York, N.Y., before Ex-

aminer Michael B. Driscoll.

No. MC 119203, filed September 9, 1959. Applicant: DOMINICK CARIDI, doing business as MIKE'S EXPRESS, 355 West 26th Street, New York 1, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wire rope, cable clamps, fence, fence posts and fence parts, and wire cloth, from Clifton, N.J., to New York, N.Y., and points in Dutchess, Nassau, Putnam. Orange, Rockland, Suffolk, Ulster, and Westchester Counties, N.Y., and rejected, damaged, and returned shipments on return

HEARING: December 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119211, filed September 14, 1959. Applicant: RUFUS MAU, P.O. Box 223, Early, Iowa: Applicant's attorney: Ray B. Johansen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a contract carrier. by motor vehicle, over irregular routes, transporting: Animal and poultry feeds, ingredients and materials, in bags, or in bulk, manufactured, processed or handled by Consumer's Co-Operative Association of Ida Grove, Iowa, between Eagle Grove and Ida Grove, Iowa, on the one hand, and, on the other, points in Ne-braska on and east of U.S. Highway 281.

HEARING: December 18, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

APPLICATIONS IN WHICH HANDLING WITH+ OUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub No. 33), filed October 9, 1959. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben C. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) Serving the off-route point of Johnstown, Ga., located approximately thirteen (13) miles east of Elberton, Ga., on Georgia State Highway No. 72, and the off-route point of Middleton, Ga., located on an unnumbered highway approximately one-half (1/2) mile north of the junction of that unnumbered highway and Georgia State Highway No. 72 approximately seven (7) miles east of Elberton, Ga., in connection with applicant's authorized regular route operations between Atlanta, Ga., and Elberton, Ga., and (2) serving the off-route point of Jacksonville, Ga., located approximately eighteen (18) miles southwest of McRae, Ga., on U.S. Highway 441, in connection with applicant's authorized regular route operations between Fitzgerald, Ga., and Valdosta, Ga. Applicant 'is authorized to conduct operations in Alabama, Connecticut. Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and Wisconsin.

No. MC 730 (Sub No. 158), filed October 12, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland. Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Corn syrup, in bulk, in tank vehicles, from Salt Lake City, Utah, to Pocatello, Idaho. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washing-

ton, Wisconsin, and Wyoming.

Note: Applicant states it agrees that any duplication of authority shall not be con-strued as conferring more than a single op-erating authority between any points or territory embraced in the application.

No. MC 15473 (Sub No. 4), filed October 1959. Applicant: BEST TRUCK LINES, INC., 321 North Main. Ottawa. Kans. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General

commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Ottawa, Kans., and Kansas City, Mo., over Interstate Highway 35, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kansas, Missouri, and Oklahoma.

No. MC 18135 (Sub No. 28), filed October 12, 1959. Applicant: W. R. ARTHUR & CO., INC., 1263 South Cherry Street, Janesville, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty, Street, Medison 2, Wis. Authority. Doty Street, Madison 3, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Automobiles, trucks, chassis and busses, in initial movements, in truckaway and driveaway service, and (2) tractors (not including farm tractors and crawler or track-type tractors), in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Colorado, Idaho, Kansas, the Lower Peninsula of Michigan and Wyoming; and rejected or damaged units, on return; (3) automobiles, trucks, tractors (not including farm tractors and crawler or track-type tractors), chassis and busses, in secondary movements, in truckaway and driveaway service, and (4) vehicle bodies, automobile parts when accompanying vehicles with which to be used, and automobile show paraphernalia and displays, (except display vehicles), between points in Idaho, Colorado, Illinois, Indiana, Iowa, Kansas, the Upper Peninsula of Michigan, the Lower Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. Applicant is authorized to conduct operations in Wisconsin, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, and South Dakota.

Note: Applicant states that no duplication of authority is sought.

No. MC 46240 (Sub No. 9), filed October 8, 1959. Applicant: CLIFTON M. DEN-MAN, doing business as C. M. DENMAN. 2026 Lapeer Avenue, Port Huron, Mich. Applicant's attorney: Dale C. Dillon. 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Aluminum, brass, bronze, copper, cupro-nickel; nickel-silver, iron, steel, and plastic articles, and articles whose component parts are made of any such materials. and equipment, materials and supplies, other than bulk liquids, used in or incidental to, the manufacture and distribution of such products, between Port Huron, Mich., on the one hand, and, on the other, Chicago, Ill., and points in the Chicago Commercial Zone, as defined by the Commission, St. Louis, Mo., and points in the St. Louis Commercial Zone, as defined by the Commission, and points in Indiana and Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, and

Note: Applicant states that the proposed operation will be performed under a continuing contract with Mueller Brass Company, of Port Huron, Mich.

No. MC 50132 (Sub No. 72), filed October 5, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: Canned fruits and vegetables, in peddler delivery service, from Haddock (Jones County), Ga., to Monroe, Shreveport, Alexandria, Leesville, Winnfield, Baton Rouge, Thibodaux, New Orleans, Plaquemine, and Morgan City, La., Mobile, Ala., and Gulfport, Miss. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

Note: A proceeding has been instituted under section 212(c) in No. MC 50132 (Sub No. 38) to determine whether applicant's status is that of a common or contract carrier. Applicant also has a pending commoncarrier (BOR 1) application under MC 113267 (Sub No. 2). Dual authority under section 210 may be involved.

No. MC 58902 (Sub No. 4), filed October 8, 1959. Applicant: MANLEY TRANSFER COMPANY, 315-317 North Santa Fe Street, Chanute, Kans. Applicant's representative: E. J. Copenhaver. Traffic Manager, 1400 Inter-City Trafficway, Kansas City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., and Ottawa, Kans., from Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 50 to junction of Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 169, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Kansas, Missouri, Nevada, and Oklahoma.

No. MC 66562 (Sub No. 1570), filed October 7, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx. Railway Express Agency, Incorporated. (Same address as applicant.) Authority sought to operate as a common carrier, by motor vehicle, transporting: General commodities, including Class A and B explosives, moving in express service, serving Avon, N.Y., as an off-route point in connection with applicant's authorized regular route operations between Rochester and Warsaw, N.Y., over New York Highway 5. It is indicated the proposed service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will'

be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1573), filed October 9, 1959. Applicant: RAILWAY, EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's representative: R. R. Tulloch, Superintendent, 104 C Street. P. M. & O. Railway Building, St. Paul 1, Minn. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, including Class A and B explosives, moving in express service, between Eau Claire, Wis., and Warrens, Wis., from Eau Claire, Wis., south and east on Eau Claire County Highway A a distance of approximately 2 miles to junction with U.S. Highway 12, thence south and east on U.S. Highway 12 a distance of approximately 70 miles to junction with Monrce County Highway E, thence east on Monroe County Highway E a distance approximately 2 miles to Warrens, Wis., and return over the same route to Eau Claire, Wis., serving the intermediate points of Altoona, Fall Creek, Augusta, Fairchild, Humbird, Merrillan, Black River Falls, and Millston, Wis. Applicant is authorized to conduct operations throughout the United States. RESTRICTION: The service to be performed will be limited to transportation of express shipments having a prior or subsequent rail or air haul.

No. MC 69763 (Sub No. 4), filed October 15, 1959. Applicant: CRAIG HEN-DERSON, doing business as GLENVILLE TRANSFER, First Street, Glenville, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, livestock, Class A and B explosives. household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Glenville, W. Va., and Spencer, W. Va., over U.S. Highway 33, serving all intermediate points and the off-route point of Grantsville, W. Va. Applicant is authorized to conduct operations in Ohio and West Virginia.

No. MC 87857 (Sub No. 44), filed October 12, 1959. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Securities, between Chicago, Ill., and Beloit, Janesville, Evansville, Stoughton, Edgerton, Madison, Baraboo, Portage. Columbus, Beaver Dam, Waupun, Denmark, Fox Lake, Fond du Lac, Oshkosh, Neenah, Menasha, Appleton, Kaukauna, Green Bay, Manitowoc, and Sheboygan, Wis. Applicant is authorized to conduct operations in Maryland, the District of Columbia, Illinois, Iowa, Ohio, Pennsylvania, California, Nevada, Kentucky, Delaware, Indiana, Massachusetts, New Hampshire, Michigan, Missouri, New Jersey, New York, West Virginia, Rhode Island, Virginia, Alabama, Arizona, Colorado, Connecticut, Florida, Georgia, Louisiana, Minnesota, Mississippi, Montana, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin.

No. MC 89684 (Sub No. 26), filed October 12, 1959. Applicant: WYCOFF COMPANY, INCORPORATED, 346 West Sixth South, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: Magazines, books and periodicals, between Baker, Oreg., and Weiser, Idaho, from Baker over U.S. Highway 30 to junction U.S. Highway 30-N thence over U.S. Highway 30-N to Weiser, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

No. MC 109637 (Sub No. 136), filed October 9, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Denatured rum, in bulk, in tank vehicles, from Covington, Ky., to Durham and Reidsville, N.C. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 112020 (Sub No. 80), filed October 9, 1959. Applicant: COMMER-CIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fish solubles, in bulk, in specialized equipment. from points in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Min-nesota, Missouri, New York, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 114194 (Sub No. 26), filed October 7, 1959. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steepwater and blends thereof, in bulk, in tank vehicles, from St. Louis, Mo., to points in New York, including the port of entry on the international boundary line between the United States and Canada at or near

Niagara Falls, and empty containers or other such incidental facilities (not specified) and rejected and refused shipments of the above commodities on return. Applicant is authorized to conduct operations in Illinois, Missouri, Tennessee, Indiana, Ohio, Iowa, Florida, Georgia, Mississippi, North Carolina, North Dakota, South Carolina, South Dakota, Virginia, West Virginia, the District of Columbia, Michigan, Wisconsin, Minnessota, Pennsylvania, Kentucky, Arkansas, Alabama, Louisiana, Oklahoma, Colorado, Kansas, Nebraska, and Texas.

No. MC 114995 (Sub No. 1), filed October 14, 1959. Applicant: QUIGLEY CONSTRUCTION COMPANY LIMITED. Quigley's Side Road, Bartonville P.O., Hamilton, Ontario, Canada. Applicant's representative: Raymond A. Richards, 13 Lapham Park, PO Box 25, Webster, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Blast furnace slag, in bulk, in dump vehicles, from Ports of Entry on the boundary between the United States and Canada, at Buffalo and Niagara Falls, N.Y., to points in Monroe County, N.Y. Applicant is authorized to conduct the same operations from the said Ports of Entry to points in Erie and Niagara Counties,

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Sub No. 72), filed July 16, 1959. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: Grove Stafford, P.O. Box 1711, Alexandria, La. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, between Shreveport, La., and Meridian, Miss., from Shreveport over Louisiana Highway 1 to junction Louisiana Highway 1 and Interstate Highway 20, La., at Shreveport Interchange, over Interstate Highway 20 to junction Interstate Highway 20 and U.S. Highway 45, Miss., at Meridian Interchange, thence over U.S. Highway 45 to Meridian (also from junction Interstate Highway 20 and U.S. Highway 11, Miss., at Meridian Interchange, over U.S. Highway 11 to Meridian); also from Shreveport over Louisiana Highway 1 to junction Louisiana Highway 1 and Interstate Highway 20, La.. at Shreveport Interchange, over Interstate Highway 20 to Minden, La., Interchange, over Louisiana Highway 7 to Minden and return to Minden Interchange, over Interstate Highway 20 to Gibsland, La., Interchange, over Louisiana Highway 154 to Gibsland and return to Gibsland Interchange, over Interstate Highway 20 to Arcadia, La., Interchange on Louisiana Highway 9, over Louisiana Highway 9 to Arcadia, over Louisiana Highway 151 to Arcadia Interchange on Interstate Highway 20, over Interstate Highway 20 to Ruston, La. Interchange, over U.S. Highway 167 to Ruston and return to Ruston Interchange, over Interstate Highway 20 to Monroe, La. Interchange, over U.S. Highway 165 to Monroe and return to Monroe Interchange, over

Interstate Highway 20 to Rayville, La. Interchange, over Louisiana Highway 137 to Rayville and return to Rayville Interchange, over Interstate Highway 20 to Delhi, La. Interchange, over Louisiana Highway 17 to Delhi and return to Delhi Interchange, over Interstate Highway 20 to Tallulah, La. Interchange, over U.S. Highway 65 to Tallulah and return to Tallulah Interchange, over Interstate Highway 20 to Vicksburg, Miss. Interchange on U.S. Highway 61, over U.S. Highway 61 to Vicksburg, over U.S. Highway 80 to Vicksburg Interchange on Interstate Highway 20, over Interstate Highway 20 to Edwards, Miss. Interchange, over U.S. Highway 80 to Edwards and return to Edwards Interchange, over Interstate Highway 20 to Bolton, Miss. Interchange, over County Road to Bolton and return to Bolton Interchange, over Interstate Highway 20 to Clinton, Miss. Interchange, over County Road to Clinton and return to Clinton Interchange, over Interstate Highway 20 to Jackson, Miss. Interchange on U.S. Highway 80, over U.S. Highway 80 to Jackson and to Jackson Interchange on Interstate Highway 20, over Interstate Highway 20 to Brandon, Miss. Interchange on Mississippi Highway 471, over Mississippi Highway 471 to Brandon, over U.S. Highway 80 to Brandon Interchange on Interstate Highway 20, over Interstate Highway 20 to Pelahatchie, Mass. Interchange, over Mississippi Highway 43 to Pelahatchie and return to Pelahatchie Interchange, over Interstate Highway 20 to Morton, Miss. Interchange on Mississippi Highway 13, over Mississippi Highway 13 to Morton, over Mississippi Highway 481 to Morton Interchange on Interstate Highway 20. over Interstate Highway 20 to Forest, Miss. Interchange on Mississippi Highway 35, over Mississippi Highway 35 to Forest, over Mississippi Highway 501 to Forest Interchange on Interstate Highway 20, over Interstate Highway 20 to Newton, Miss. Interchange over County Road to Newton, over Mississippi Highway 15 to Newton Interchange on Interstate Highway 20, over Interstate Highway 20 to Meridian, Miss. Interchange on U.S. Highway 80, thence over U.S. Highway 80 to Meridian; in both directions, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Texas, Louisiana, Arkansas, Mississippi, Illinois, Missouri, Tennessee, and Kentucky.

No. MC 29957 (Sub No. 73), filed July 16, 1959. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's at-torney: Grove Stafford, P.O. Box 1711, Alexandria, La. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, between Memphis, Tenn., and Jackson, Miss., from Memphis over Interstate Highway 255 to junction Interstate Highways 255 and 55, Tenn., over Interstate Highway 55 to junction Interstate Highway 55 and U.S. Highway 51, near Ridgeland, Miss., thence over U.S. Highway 51 to Jackson; also from Memphis over Interstate Highway 255 to junction Interstate Highways 255 and 55, Tenn., over Interstate Highway 55 to Hernando, Miss., Interchange, over County Road to Hernando and return to Hernando Interchange, over Interstate Highway 55 to Coldwater, Miss., Interchange, over Mississippi Highway 306 and County Road to Coldwater and return to Coldwater Interchange, over Interstate Highway 55 to Senatobia, Miss., Interchange, over Mississippi Highway 4 to Senatobia and return to Senatobia Interchange, over Interstate Highway 55 to Como, Miss., Interchange, over Mississippi Highway 310 to Como and return to Como Interchange, over Interstate Highway 55 to Sardis, Miss., Interchange, over Mississippi Highway 315 to Sardis and return to Sardis Interchange, over Interstate Highway 55 to Batesville, Miss., Interchange, over Mississippi Highway 6 to Batesville and return to Batesville Interchange, over Interstate Highway 55 to Grenada, Miss., Interchange, over Mississippi Highway 7 to Grenada and return to Grenada Interchange, over Interstate Highway 55 to Winona, Miss., Inter-change, over U.S. Highway 82 to Winona and return to Winona Interchange, over Interstate Highway 55 to Vaiden, Miss., Interchange, over Mississippi Highway 35 to Vaiden and return to Vaiden Interchange, over Interstate Highway 55 to Durant, Miss., Interchange, over Mississippi Highway 12 to Durant and return to Durant Interchange, over Interstate Highway 55 to Pickens, Miss., Interchange, over Mississippi Highway 432 to Pickens and return to Pickens Interchange, over Interstate Highway 55 to Canton, Wiss., Interchange, over Mississippi Highway 22 to Canton and return to Canton Interchange, over Interstate Highway 55 to junction Interstate Highways 55 and A20, near Ridgeland, Miss., thence over Interstate Highway A20 to junction Interstate Highways A20 and 20, near Jackson, Miss.; also from junction Interstate Highways A20 and 55, near Ridgeland, Miss., over Interstate Highway 55 to junction Interstate Highways 55 and 20, near Jackson, Miss.; in both directions, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Texas, Lou-isiana, Arkansas, Mississippi, Illinois, Missouri, Tennessee, and Kentucky.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7324 (INDIANAPOLIS-KANSAS CITY MOTOR EXPRESS CO.—CONTROL—DECATUR SEAWAY MOTOR EXPRESS, INC.), published in the October 1, 1959, issue of the Federal Register on page 7934. Supplement filed October 12, 1959, to show joinder of A. A. FOWLER, JR., 3537 Broadway, Kansas City, Mo., and R. A. MUSTON, Box 359, Zionsville, Ind., as the persons

controlling INDIANAPOLIS-KANSAS CITY MOTOR EXPRESS COMPANY.

No. MC-F 7345. Authority sought for merger into SMITH'S TRANSFER COR-PORATION OF STAUNTON, VA., P.O. Box 1000, Staunton, Va., of the operating rights and property of THE H. T. SMITH EXPRESS COMPANY, P.O. Box 1000, Staunton, Va., and for aquisition by ROY R. SMITH and R. P. HARRISON, both of Staunton, of control of such rights and property through the transaction. Applicants' attorney: David G. Macdonald, 504 Commonwealth Building, Washington 6, D.C. Operating rights sought to be merged: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes, between Meriden, Conn., and Boston, Mass., between Meriden, Conn., and Carteret, N.J., between Meriden, Conn., and Winsted, Conn., between Meriden, Conn., and Thomaston, Conn., between Meriden, Conn., and East, Hampton, Conn., between Meriden, Conn., and Hartford, Conn., between Hartford, Conn., and Sturbridge, Mass., and between Waterbury, Conn., and Bridgeport, Conn., serving all interme-diate and certain off-route points; general commodities, excepting, among others, household goods but not excepting commodities in bulk, over irregular routes, between points in Connecticut. and between Meriden, Conn., on the one hand, and, on the other, certain points in Massachusetts, New Jersey and New York. SMITH'S TRANSFER CORPO-RATION OF STAUNTON, VA., is authorized to operate as a common carrier in Virginia, Maryland, Pennsylvania, New York, West Virginia, Delaware, New Jersey, North Carolina, South Carolina, Tennessee, Kentucky, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

Note: In No. MC-F 7329 (CONSOLIDATED FREIGHTWAYS, INC.—CONTROL AND MERGER—SMITH'S TRANSFER CORP. OF STAUNTON, VA., AND CONTROL—THE H. T. SMITH EXPRESS CO.), notice of which was published in the Federal Register of October 1, 1959, on page 7935, CONSOLIDATED FREIGHTWAYS, INC., seeks authority under section 5 of the Interstate Commerce Act (1) to acquire control of SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., through purchase of capital stock and to merge the operating rights and property of the latter into the former for ownership, management, and operation; and (2) as a result of the transaction in (1), to acquire control of THE H. T. SMITH EXPRESS COMPANY, wholly-owned subsidiary of SMITH'S TRANSFER CORPORATION OF STAUNTON, VA.

No. MC-F 7346. Authority sought for purchase by SANBORN'S MOTOR EXPRESS, INC., Fore Street Road, Oxford Maine (mail address Box 312, Norway, Maine), of the operating rights and property of WILLIAM APOTHEKER, doing business as PENOBSCOT MOTOR EXPRESS, 212 Garland Street, Bangor, Maine, and for acquisition by HOWARD L. SANBORN and DWIGHT L. SANBORN, both of 99 Pine Street, South Paris, Maine, and H. BLAINE SANBORN, 51 Pleasant Street, Norway, Maine, of control of such rights and property

through the purchase. Applicants' attorney: Milton E. Diehl, Room 1383 National Press Building, Washington, D.C. Operating rights sought to be transferred: General commodities, as a common carrier over a regular route between Old Town, Maine, and Boston, Mass., serving the intermediate point of Bangor, Maine; general commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between Boston, Newton, Cambridge, and Watertown, Mass., and between Bangor, Maine, on the one hand, and, on the other, certain points in Maine; general commodities, except household goods, as defined by the Commission, between Bangor, Lincoln, and Pittsfield, Maine, on the one hand, and, on the other, certain points in Maine. Vendee is authorized to operate as a common carrier in Maine, New Hampshire, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7347. Authority sought for control by HAROLD L. CROMER, 884 West Parkway, Newark, Ohio, of SERV-ICE MOTOR FREIGHT, INC., Corner Oak Avenue and Atlantic Avenue, P.O. Box 366, Barrington, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be controlled: Corrugated pulpboard containers and sheets, flat, or folded flat, as a contract carrier over irregular routes, from Trenton, N.J., to points in Maryland, those in New York except New York City, and those in Delaware except Wilmington; pulpboard paper, from Garwood, N.J., to Baltimore, Md.; building materials, ex-cept lumber, structural steel, and hardware, between Chester, Pa., on the one hand, and, on the other, certain points in Maryland, Delaware and New York and those in New Jersey and the District of Columbia, and between Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, points in New Jersey and the District of Columbia and certain points in Maryland, Pennsylvania, Delaware, and New York; mineral wool products, plain or saturated, with or without facing or coating, and mineral wool air filters, from Barrington, N.J., to points in Virginia, Maryland, Massachusetts, Connecticut, and Rhode Island, and certain points in Delaware, Pennsylvania, and New York, limited to a transportation service to be performed under a continuing contract, or contracts, with Owens-Corning Fiberglas Corporation, Toledo, Ohio. Applicant is not a motor carrier. He owns thirty percent of the outstanding capital stock of ATLAS FREIGHT LINES, INC., a contract carrier by motor vehicle. The control by HOWARD E. Lefevre (a stockholder of SERVICE MOTOR FREIGHT, INC.) of B & L MOTOR FREIGHT, INC., also a contract carrier by motor vehicle, and by HOWARD E. LeFEVRE, applicant, and J. G. REISE of ATLAS MOTOR FREIGHT, INC., has been approved previously, e.g., in No. MC-F 4644, Atlas Freight Lines, Inc.—Purchase—Klann Moving & Trucking Co., 57 M.C.C. 804, decided November 3, 1950. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7348. Authority sought for control by CLARENCE F. KAUFFMAN AND ROY J. MINTEER, both of Jobstown, N.J., of WAGNER TRUCKING CO., INC., Jobstown, N.J. Applicant's attorney: G. Donald Bullock, Apt. 10C, 211 East 51st Street, New York 22, N.Y. Operating rights sought to be controlled: Tile, clay products, used lumber, chemicals, brick, face brick, clay tile, proc-essed clay not included in brick or clay tile, and building brick, as a common carrier over irregular routes, from, to or between points and areas, varying with the commodity transported, in New Jersey, Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Maine, Vermont, New Hampshire, Massa-chusetts, Rhode Island, Ohio, and the District of Columbia. CLARENCE F. KAUFFMAN AND ROY J. MINTEER hold no authority from this Commission. However, they are affiliated with KAUFFMAN & MINTEER, INC., which is authorized to operate as a contract carrier in New Jersey, Pennsylvania, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7349. Authority sought for purchase by STAR TRANSFER COM-PANY, 1024 Second Avenue North, P.O. Box 229, Billings, Mont., of the operating rights of COMMODITIES CARRIER, INC., 124 North 18th Street, Billings, Mont. Applicants' attorney: Weymouth D. Symmes, P.O. Box 1215, Billings, Mont. Operating rights sought to be transferred: Fertilizer, other than liquid fertilizer in bulk, as a common carrier over irregular routes, from the port of entry on the United States-Canada Boundary line at Sweetgrass, Mont., to points in Montana and Wyoming. Vendee is authorized to operate as a points common carrier in Montana, Wyoming, and Idaho. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7334. Authority sought for control by COASTAL STAGES COR-PORATION, 217 North Converse Street, Spartanburg, S.C., of THE GRAY LINE OF CHARLESTON, 101 St. Philip Street, Box 700, Charleston, S.C. Applicant's representative: Hamish Turner, President of Coastal Stages Corporation, P.O. Box 767, Spartanburg, S.C. Operating rights sought to be controlled: Passengers and their baggage, as a common carrier over regular routes, (a) with no seasonal restrictions, between Charleston, S.C., and Isle of Palms, S.C., serving all intermediate points, (b) during the season extending from the 1st day of June to the 30th day of September, inclusive, between Charleston, S.C., and Folly Beach, S.C., serving all intermediate points, (c) during the season extending from the 1st day of January to the 30th day of April, inclusive, between Charleston, S.C., and Summerville, S.C., serving no intermediate points. COASTAL STAGES CORPORATION is authorized to operate as a common carrier in South Carolina. Application has under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. MCCOY, Secretary.

[F.R. Doc. 59-8850; Filed, Oct. 20, 1959; 8:49 a.m.]

[Notice 102]

MOTOR CARRIER ALTERNATE ROUTE **DEVIATION NOTICES**

OCTOBER 16, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33278 (Deviation No. 4), LEE TRANSPORTATION COMPANY, 418 Olive Street, St. Louis 2, Mo., filed September 18, 1959. Carrier proposes to operate as a common carrier, by motor vehicle of general commodities, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 67 and By-Pass U.S. Highways 40 and 66 over By-Pass U.S. Highways 40 and 66 to St. Louis, Mo., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Muscatine, Iowa across the Mississippi River to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Alternate U.S. Highway 67 (formerly U.S. Highway 67), thence over Alternate U.S. Highway 67 to Jerseyville, Ill., thence over Illinois Highway 109 via McClusky and East Newburn, Ill., to junction Illi-nois Highway 100, thence over Illinois Highway 100 to Alton, Ill., and thence over Alternate U.S. Highway 67 to St. Louis: from Muscatine over U.S. Highway 61 to Davenport, Iowa, thence over U.S. Highway 6 to Rock Island, Ill., thence over U.S. Highway 67 to junction Alternate U.S. Highway 67 (formerly U.S.

not been filed for temporary authority Highway 67), thence over Alternate U.S. Highway 67 to Jerseyville, Ill., and thence as specified above to St. Louis; from Moline over U.S. Highway 150 to Galesburg, Ill., thence over Illinois Highway 97 to junction Illinois Highway 78, near Havana, Ill., and thence over Illinois Highway 78 to Virginia, Ill.; and return over the same routes.

No. MC 42487 (Deviation No. 4), CON-SOLIDATED FREIGHTWAYS INC., P.O. Box 3618, Portland 8, Oreg., filed October 2, 1959. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route as follows: from San Bernardino, Calif., over U.S. Highway 395 to Bishop, Calif., thence over U.S. Highway 6 to junction Nevada Highway 8A, 6 miles east of Tonopah, Nev., thence over Nevada Highway 8A to junction U.S. Highway 50, 12 miles southeast of Austin, Nev., thence over U.S. Highway 50 to Ely, Nev., thence over Alternate U.S. Highway 50 to junction U.S. Highway 89, three miles south of Salt Lake City, Utah, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from San Bernardino over U.S. Highway 395 to junction U.S. Highway 70, thence over U.S. Highway 70 to Wickenburg, Ariz., thence north on U.S. Highway 89 to junction Arizona Highway 189 near Bitter Springs, Ariz., thence over Arizona Highway 189 and Utah State Highway 259 via Page, Ariz., to junction U.S. Highway 89 at Kanab, Utah, thence over U.S. Highway 89 to Gunnison, Utah, thence over Utah Highway 28 to Levan, Utah, thence over U.S. Highway 91 to junction Alternate U.S. Highway 50 three miles south of Salt Lake City and return over the same route.

No. MC 106904 (Deviation No. 1) TOPEKA MOTOR FREIGHT INC., 301 Adams, Topeka, Kans., filed October 5, 1959. Carrier proposes to operate as a common carrier, by motor vehicle of general commodities, with certain exceptions, over a deviation route as follows: from Kansas City, Kans., over the Kansas Turnpike to Topeka, Kans., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Kansas City and Topeka over U.S. Highway 40.

No. MC 107500 (Deviation No. 4), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed October 5, 1959. Carrier proposes to operate as a common carrier, by motor vehicle of general commodities, with certain exceptions, over a deviation route as follows: from Des Moines, Iowa, over Iowa Highway 163 to Oscaloosa, Iowa, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes, as follows: from Des Moines over Iowa Highway 60 to Albia, Iowa; from Oscaloosa over Iowa Highway 92 to Knoxville, Iowa; and return over the same routes.

Motor Carrier of Passengers

No. MC 2890 (Deviation No. 5), AMER-ICAN BUS LINES, INC., 1341 P Street, Lincoln, Nebr., filed October 2, 1959. Carrier proposes to operate as a common carrier, by motor vehicle of passengers, over a deviation route as follows: from junction of Old U.S. Highway 40 and relocated U.S. Highway 40 approximately 1 mile west of Springfield, Ohio, over relocated U.S. Highway 40 to junction Old U.S. Highway 40 about ½ mile southeast of Englewood, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the described termini over Old U.S. Highway 40.

By the Commission. .

[SEAL]

HAROLD D. MCCOY, Secretary.

[F.R. Doc. 59-8849; Filed, Oct. 20, 1959; 8:48 a.m.]

[Notice 206]

MOTOR CARRIER TRANSFER **PROCEEDINGS**

OCTOBER 16, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their

petitions with particularity.

No. MC-FC 62572. By order of October 14, 1959, the Transfer Board approved the transfer to R. B. McKinzie, doing business as McKinzie Transfer, Macksburg, Iowa, of Certificate in No. MC 31428, issued March 21, 1942, to H. A. McKinzie, doing business as Mc-Kinzie Transfer, Macksburg, Iowa, authorizing the transportation of: Livestock, over irregular routes, between Macksburg, Iowa, and points within 25 miles of Macksburg, on the one hand, and, on the other, Omaha, Nebr., and feed and building materials, over irregular routes, from Omaha, Nebr., to Macksburg, Iowa, and points within 25 miles of Macksburg.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-8851; Filed, Oct. 20, 1959; 8:49 a.m.]

[Sec. 5a Application 73] '

OHIO MOTOR FREIGHT TARIFF COMMITTEE, INC.

Application for Approval of Agreement

OCTOBER 16, 1959.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: October 14, 1959 by: Jesse L. Himmelreich, Attorney in Fact, 115 East Gay Street, Columbus 15, Ohio.

Agreement involved: Agreement between and among common carriers by motor vehicle of property in interstate commerce between points within the State of Ohio relating to joint consideration in establishing or changing rates, charges, allowances, classifications, rules, regulations and practices.

The complete application may be inspected at the office of the Commission

in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL]

HAROLD D. MCCOY, Secretary.

[F.R. Doc. 59-8852; Filed, Oct. 20, 1959; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 16, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35761: Acetone and related articles-Texas points to Chicago, Ill. Filed by Southwestern Freight Bureau, Agent (No. B-7660), for interested rail carriers. Rates on acetone butyl acetate, butyl alcohol, and related chemicals, tank-car loads from Bishop and Corpus Christi, Tex., to Chicago, Ill., and points taking same rates.

Grounds for relief: Truck-barge and barge competition.

Tariff: Supplement 628 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4139.

FSA No. 35763: Petroleum products-Twin Cities to Wisconsin. Filed by Western Trunk Line Committee, Agent (No. A-2087), for interested rail carriers. Rates on petroleum and petroleum products, carloads from Fordson, Minneapolis, Minnesota Transfer, Roseport and St. Paul, Minn., to specified destinations in Wisconsin.

Grounds for relief: Motor truck competition.

Tariff: Supplement 29 to Western Trunk Lines Committee, Agent, tariff I.C.C. A-4198.

FSA No. 35764: TOFC service—Rates betweeneastern and southwestern points. Filed by Southwestern Freight Bureau, Agent (No. B-7663), for interested rail carriers. Rates on property, moving on class rates, loaded in trailers and transported on railroad flat cars between points in states in trunk-line and New England territories, on the one hand, and points in states in southwestern territory, on the other.

Grounds for relief: Motor truck com-

petition.

Tariff: Supplement 7 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4335.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35762: Acetone and related articles-Texas points to Chicago, Ill. Filed by Southwestern Freight Bureau, Agent (No. B-7661), for interested rail carriers. Rates on acetone, butyl acetate, butyl alcohol, and related chemicals, tank-car loads from Bishop and Corpus Christi, Texas, to Chicago, Ill., and points taking same rates.

Grounds for relief: Maintenance of depressed barge or truck-barge competitive rates from and to named points without observing same in constructing combination rates from or to points

beyond. Tariff: Supplement 628 to Southwest-

ern Freight Bureau, Agent, tariff I.C.C. 4139.

By the Commission.

[SEAL]

HAROLD D. MCCOY. Secretary.

[F.R. Doc. 59-8848; Filed, Oct. 20, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13283 etc.]

W. E. BAKKE ET AL.

Notice of Applications and Date of Hearing

OCTOBER 14, 1959.

In the matters of W. E. Bakke, Operator, et al., Docket No. G-13283; Joseph S. Morris, Operator, et al., 2 Docket No. G-13399; P. P. Gunn and Harry Stevens, et al., Docket No. G-13406; Powell Oil and Gas Company, Docket No. G-13412; Texam Oil Corporation, Operator, Docket No. G-13451; Wheless Drilling Company, Operator, et al., Docket No. G-13452; The Atlantic Refin-

See footnotes at end of document.

ing Company, Docket No. G-13540; Earl F. Wakefield, Operator, et al., Docket No. G-13546; B. B. Ferrell Oil Company, Docket No. G-13572; S. P. Borden, Docket No. G-13594; Wagner & Wyant Drilling Company, Inc., and Production Management Association, Docket No. G-13595; Sinclair Oil & Gas Company, Docket No. G-13807.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, and Purchaser

G-13283; Spraberry Trend Area, Midland County, Tex.; El Paso Natural Gas Company. G-13399: West Chicolete Creek Field, Victoria County, Tex.; Tennessee Gas Transmission Company.

G-13406; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Company.

G-13412; Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.
G-13451; Beasley Area, San Patricio and Bee Counties, Tex.; Gas Gathering Company. G-13452; Simsboro Field, Lincoln Parish, La.; Arkansas Lousisana Gas Company.

G-13540; Roanoke Field, Jefferson Davis Parlsh, La.; United Gas Pipe Line Company. G-13546; Acreage in Seward and Meade Counties, Kans.; Panhandle Eastern Pipe Line Company.

G-13572; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Company. G-13594; Maxie-Pistol Ridge Field, Pearl River County, Miss.; United Gas Pipe Line Company.

G-13595; West Panhandle Field, Hutchinson County, Tex.; The Shamrock Oil and Gas Corporation.

G-12807; Light Gas Area, Beaver County, Okla.; Panhandle Eastern Pipe Line

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 17, 1959 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission. 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by such applications: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of $\S 1.30(c)$ (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL, Acting Secretary.

¹ W. E. Bakke, Operator, is filing for himself and on behalf of Bruce Walkup, nonoperator. Operator acquired its working interest in the subject acreage by instrument of assignment dated August 15, 1957 from Atlantic, and, in turn, reassigned 25 percent working interest to Bruce Walkup by instru-ment dated August 23, 1957. Applicants have become signatory seller parties to a basic gas sales contract, as amended, between Atlantic Refining Company, Seller, and El Paso, Buyer, dated October 16, 1954 to the extent of the above-mentioned assignments.

² Joseph S. Morris, Operator, is filing for himself and on behalf of the following nonoperators listed in the application, together with the percentages of working interests: Texas Eastern Transmission Corporation, W. C. Morris, Victor P. Grage and George A. Musselman. All are signatory seller parties to the subject gas sales contract. It should be noted that any authorization issued to Operator does not extend to Texas Eastern.

²P. P. Gunn and Harry Stevens are filing for themselves and on behalf of the following co-owners: Alva H. Anderson, Richard Dunkle, C. H. Koontz, Joe Burdette, E. E. White, J. E. Koontz, F. C. Koontz, Okey L. Patteson, Rosalind C. Funk, J. E. Hatfield, Glenn Taylor, Lena Harris, M. L. Angel, D. L. Gainer, Burl A. Sawyer, Billy Reger, B. M. Mills, Dexter Cooper, Claude S. Davis, Denyer Garretson and C. W. Beecher. Harry Stevens and P. P. Gunn are signatory seller parties to the subject gas sales contract and the remaining above-named parties are also signatory seller parties through the signatures of Harry Stevens and P. P. Gunn, who have signed the contract as Attorneys-in-Fact for said parties.

⁴ Texam Oil Corporation, Operator, is filing for itself and on behalf of the following nonoperators listed, together with the interest of each in the related rate schedule filing: W. J. Walton, Adkins Drilling Company, Walter G. Johnson, Dewey A. Ericsson and Edward Galt, Trustee. Operator is the sole signatory seller party to the subject gas sales contract.

⁵Wheless Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators listed, together with the interest of each in the application: Hudson Gas and Oil Corporation, Wheless Drilling Company, Trustee, S. B. Hicks, I. Lieber, J. R. Querbes, Jr., George D. Nelson, J. Pat Beaird, Charles T. Beaird and Sunray Mid-Continent Oil Company. Operator and Hudson Gas and Oil are the only signatory seller parties to the subject gas sales contract.
⁶ Earl F. Wakefield, Operator, is filing

for himself and on behalf of the following nonoperators: Clayton-Dwyer Drilling Company, J. L. McMahon Estate, M. K. McMahon, Joseph K. McMahon, Ralph E. Bullington, Myra McMahon Bullington, Frank Parkes, W. H. Taylor Oil Company, E. E. Clayton, Helen J. Clayton and J. L. McMahon, Jr. All are signatory seller parties to subject gas sales contract.

⁷B. B. Ferrell Oil Company, Applicant, is a partnership consisting of Harry Stevens, P. P. Gunn, C. N. Hall, Erscal E. Hall, Juanita B. Hall, L. M. Pack, Norval Thompson, Hal S. McComas, Hal Pack, Ray O. Frame, Carl Hanson, D. V. Quick, Juanita Quick, Lloyd G. Jackson, R. F. Petrie, Harry E. Martin, C. H. Koontz, John Anderson, Jr., Glenn Taylor, Lena Harris, Okey L. Patterson, Rosalind C. Funk, B. M. Mills, Claud S. Davis, Feick Patterson & Hunt, Denver Garretson and Dexter Cooper. All are signatory seller parties to the subject gas sales contract through the signatures of Harry Stevens, P. P. Gunn and C. N. Hall, who have signed the contract individually and as Attorneys-in-Fact for the

remaining above-named partners.

* Wagner & Wyant Drilling Company, Inc., and Production Management Association are both signatory seller parties to the subject

gas sales contract.

[F.R. Doc. 59-8833; Filed, Oct. 20, 1959; 8:46 a.m.]

[Docket No. G-15058 etc.]

OKLAHOMA NATURAL GAS CO. ET AL.

Notice of Applications and Date of Hearing

OCTOBER 14, 1959.

In the matters of Oklahoma Natural Gas Company, Docket No. G-15058; B. F. Cunningham Farm Oil and Gas Company, Docket No. G-15059; John H. Trigg, d/b/a John H. Trigg Company, Docket No. G-15079; M. F. McCain, Operator, et al., Docket No. G-15096; William B. Gill, et al., Docket No. G-15097; Robinson Oil & Gas Company of Texas, et al., Docket No. G-15098; Crane-Fowler Oil & Gas Company, Docket No. G-15104; Graham-Michaelis Drilling Company, Docket No. G-15113; Hunt Oil Company, Operator, Docket No. G-15124; Joseph E. Seagram & Sons, Inc., d/b/thru Frankfort Oil Company, Operator, Docket No. G-15131; W. L. Heeter, Docket No. G-15133.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications and amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce

for resale as indicated below:

Docket No., Field and Location, and Purchaser

G-15058; Acreage in Beaver County, Okla., Northern Natural Gas Company.

G-15059; McKim District, Pleasants County, W. Va., Hope Natural Gas Company. G-15079; Aztec (Pictured Cliffs) Field, San Juan County, N. Mex.; Southern Union Gathering Company.

G-15096; Greenwood-Waskom Field, Caddo Parish, La.; Texas Eastern Transmission Corporation.

G-15097; West Holly Field, DeWitt County, Tex.; Texas Eastern Transmission Corpora-

See footnotes at end of document.

G-15098; Menefee Area, Wharton County, Tex.; Texas Illinois Natural Gas Pipeline Company.

G-15104; Union District, Ritchie County, W. Va.; Hope Natural Gas Company.

G-15113; Acreage in Sherman County, Tex.; Phillips Petroleum Company.

G-15124; Northeast Hallsville Field, Harrison County, Tex.; Texas Eastern Transmission Corporation.

G-15131; North Wellston Field, Lincoln County, Okla.; Jernigan & Morgan Transmission Company.

G-15133; Washington District, Calhoun County, W. Va.; Hope Natural Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 17, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Michael J. Farrell, Acting Secretary.

¹M. F. McCain, Operator, is filing for himself and on behalf of the following nonoperators listed in the application together with their percents of working interest: C. H. Lyons, Sr., Chas. T. McCord, Jr., Milton Crow, Inc., Byron H. Schaff, W. P. Prentiss, A. M. Jackson and M. F. McCain. All are signatory seller parties to the subject gas sales contract.

² William B. Gill, Frank G. Kingsley, Roger Milliken and F. William Carr are filing jointly and are all signatory seller parties to the subject gas sales contract.

³ Robinson Oil & Gas Company of Texas, D. W. F. Downey and C. J. Downey are filing jointly and are all signatory seller parties to the subject gas sales contract.

Crane-Fowler Oil & Gas Company, Applicant, is a partnership consisting of Philip Lemon, Harry C. Tinney, A. G. Califf, C. W. Phillips, Jr., M. W. Boylan, Edward M. Bennett, B. F. Davisson, Mrs. Elizabeth Collins, R. V. Collins, O. L. Harden, J. Guy Allender, Donald V. Shoffer, H. B. Layfield, Dwight Crane, Howard Fowler, Mrs. Ethel Harden, Donald F. Ford, L. Kemp Steinbeck and Ralph M. Shahan. Philip Lemon is a signatory seller party to the subject gas sales contract, and the remaining partners are also signa-

tory seller parties to the contract through the signature of Philip Lemon, who has signed the contract as Attorney-in-Fact for said partners.

⁵ Graham-Michaelis Drilling Company, Applicant, is a partnership consisting of William L. Graham, Marjorie Lois Graham and W. A. Michaelis, Jr. Applicant is a signatory seller party to the subject gas sales contract through the signatures of William L. Graham and W. A. Michaelis, Jr. Applicant acquired subject acreage by instrument of assignment dated January 31, 1958 from Phillips Petroleum Company, Buyer, which company was authorized in Docket No. G-2641 to sell gas from the subject acreage pursuant to a gas sales contract dated December 11, 1945.

^aHunt Oil Company, Operator, is filing for itself and as Operator lists in its application the names and percentages of working interests of the following nonoperators: Amerada Petroleum Corporation, Trice Production Company and E. Fred Herschbach. Amendments filed are Operator's list of nonoperating interests in producing gas units.

Joseph E. Seagram & Sons, Inc., doing business through its Division, Frankfort Oil Company, Operator, is filing for itself. Application states that Applicant's 87.5% interest in each of the subject units will be reduced to 50% after drilling costs have been paid out but indicates neither the names nor the interests of nonoperators. Frankfort Oil· is the only signatory seller party to the subject gas sales contract through the signature of Carroll M. Bennett, its Attorney-in-Fact. Sald contract provides that any increase in price (over and above the two cent differential presently existing) received by Buyer through resale of the subject gas will revert to Applicant. The application states further that deliveries commenced without the necessary prior authorization on February 27, 1958 to prevent lease loss since pending litigation prevented earlier execution of a gas sales contract.

[F.R. Doc. 59-8834; Filed, Oct. 20, 1959; 8:47 a.m.]

[Docket No. G-19022]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

OCTOBER 14, 1959.

Take notice that on July 22, 1959, Transcontinental Gas Pipe Line Corporation (Applicant) filed in Docket No. G-19022 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation, during the 12-month period following any certificate authorization which may be issued, of field booster compression facilities and appurtenant equipment necessary to enable Applicant to take into its certificated pipeline system volumes of natural gas from presently connected fields, which volumes would otherwise be lost due to declining wellhead pressures and other production and operating problems, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the proposed facilities under this application is not to exceed \$1,000,000 and Applicant has agreed to a limitation of \$250,000 for any one installation.

The purpose of the proposal under this application is to augment Applicant's ability to render adequate service to its existing customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 17, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commision's rules of practice and procedure, Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 6, 1959). Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Michael J. Farrell, Acting Secretary.

[F.R. Doc. 59-8835; Filed, Oct. 20, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1250]

BALDWIN SECURITIES CORP.

Notice of Filing of Application Requesting Exemption

OCTOBER 14, 1959.

Baldwin Securities Corporation "Baldwin"), registered under the Investment Company Act of 1940 ("Act") as a non-diversified closed-end investment company, has filed an application pursuant to section 6(c) of the Act, for an order exempting from the provisions of section 12(d) of the Act its relationship with General Industrial Enterprises, Inc. ("GIE"), registered under the Act as a non-diversified closed-end investment company on the basis of the following representations.

GIE (formerly known as The Midvale Company) is a corporation duly organized and existing under the laws of the State of Delaware, under the laws of which State it was incorporated on March 28, 1923.

Since its incorporation and until December 31, 1955, GIE was one of the prin-

cipal producers of heavy ordnance material, including armor plate, gun tubes and shell casings. It also produced highpressure vessels for the oil and chemical industry, heavy rotors and shafts for steam turbines and generators, heavy shafting for the shipbuilding industry, high alloy corrosion and heat resistant castings of all sizes, rolled rings and rolled steel tires for steam locomotives.

As of December 30, 1955, GIE sold all its physical assets and on October 1, 1958, it filed with this Commission a Notification of Registration as a non-diversified closed-end investment company. The investment policy of GIE is, among other things, not the concentration of investments in a particular industry or group of industries.

Continually since prior to 1932 Baldwin and its predecessors in interest have been the owners of at least 368,700 shares of common stock of GIE. At the present time it holds 435,235 shares of 600,000 shares outstanding. All voting power of the company is vested in this stock, each share having one vote.

When GIE registered as an investment company, if not before such date, Baldwin became the holder by acquisition or otherwise of an interest in the business, and of more than 3 percent of the outstanding voting stock of another investment company whose investment policy is not the concentration of investments in a particular industry or group of industries.

On or about July 21, 1958 there was served on Baldwin and GIE a Summons and Complaint in a civil action, instituted in the District Court of the United States for the District of Delaware, by Norte & Co., a general partnership, and Irving A. Koerner, on behalf of himself and all other holders of common stock of GIE similarly situated, against Bald-win and GIE. Thereafter and on or about December 17, 1958, pursuant to leave of Court, the plaintiffs in such action filed an amended complaint. The complaint, as amended, alleged, among other things, that the qualification of GIE as an investment company under the Act constituted the acquisition by Baldwin of an interest in the business of another investment company in violation of section 12(d) of the Act.

Following a pre-trial hearing and arms-length negotiations between the plaintiffs and defendants in said litigation a settlement agreement was entered into providing for an exchange offer to be made by Baldwin to the stockholders of GIE of five shares of common stock of Baldwin for each share of common stock of GIE.

The settlement agreement requires Baldwin to make application to this Commission for an order exempting from the operation of section 12(d) of the Act its relationship with GIE, such exemption to be conditioned upon the approval of the settlement by the United States District Court for the District of Delaware and the acceptance of the offer of exchange by the holders of at least 44,765 shares of common stock of GIE, such exemption to be without prejudice to the legal positions of plaintiffs and defendants in the litigation and to a renewal of such application by Baldwin in the event that the settlement is not so approved or the offer not so accepted.

Financial and tax considerations make inadvisable the immediate merger or consolidation of Baldwin and GIE, but such merger or consolidation is intended to be effected as soon as these financial. tax and other considerations warrant. Baldwin suggests that the Commission reserve jurisdiction to terminate this exemption upon such conditions as it shall deem appropriate, at such time as the financial and tax considerations constituting the grounds upon which the exemption is founded are no longer present.

Section 12(d) of the Act prohibits any registered investment company from purchasing or otherwise acquiring more than three percent of the outstanding voting stock of any other investment

company having a policy of not concentrating its investments in a particular industry or group of industries unless. at the time of such purchase or acquisition, the purchasing or acquiring investment company owns in the aggregate at least 25 percent of the total outstanding voting stock of the investment company whose securities it is purchasing or acquiring.

Section 6(c) of the Act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than October 27, 1959 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest. the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 59-8843; Filed, Oct. 20, 1959; 8:48 a.m.]

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